

SOCIAL RESEARCH

AN INTERNATIONAL QUARTERLY
OF POLITICAL AND SOCIAL SCIENCE

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April 1956

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A WORD IN MEMORY OF KURT RIEZLER

BY THEODOR HEUSS *

LET me say quite simply that I loved Kurt Riezler. When we saw each other for the first time, our student days just over, he intrigued me. He was then moving in the border regions of the German Foreign Office, an expert observer, prepared to give advice on matters of publicity to those who sought it. I was not among his clients. However, it was alluring for me to watch his performance. Soon followed the second phase in our relations, my admiration for his wide knowledge, ever at his command and never overbearing, and also for the almost sprightly power of mental combinations which blessed his conversational thinking with elasticity, yes, with sheer elegance. He had the gift of improvisation, and, combined with his intellectual wealth, this might have been a temptation to indulge in playful artistry. Nothing of the sort! The trenchant sarcasm which was ever at his call—sometimes apt to hurt (and sometimes meant to hurt)—was his defense against mediocrity and highflown dramatics.

My admiration turned to love when, after 1918, as members of a circle of political friends, we conversed, consulted each other on our work as publicists. In this phase I came to know the high seriousness of his judgment, clear of illusions, his vivid imagination for the desirable always under the sober control of the possible. His impetuosity was restrained by his sense of responsibility, even in the years after he had freed himself from the actual responsibilities of government service. He saw things realistically as a man of experience who in crucial years had a share in making the wheels of government go round and with acute vision had come to recognize the limits of government action.

While he appreciated its merits, the life of a government servant was not his natural forte. He was too much himself, a focus of

* The author wishes to express his gratitude to Dr. Toni Stolper for her translation of his manuscript.

too many cross-currents. To put it bluntly, officialdom was, or seemed to him, simply too boring. For a venture into free political action he was lacking in ambition; perhaps he did not quite trust his talent for courting "the people" directly. Once, when I saw him at his office of Curator of the University of Frankfurt, I urged half seriously what a pity it was that he had so completely cut himself off from active political life. His comment was that apparently he was good for such a life only in times of revolution. He agreed humorously with me that a revolution could not very well be staged merely for his convenience. He had been so fortunate as to be able to retreat into the world of thought.

I do not command sufficient knowledge or comprehensive judgment on contemporary philosophy to define and characterize Riezler's rightful place in it. But in reading his works, the beauty and enrichment I received lay in the fact that one was invited to join him in his thinking. One felt his hand offered in friendly guidance. No attempt at winning you over by suggestive persuasion, no blinding brilliancy, no showy mental acrobatics to confuse you. You ambled along together, halting for a moment when a thesis seemed to demand a subtle effort at clarification or some safeguard against misunderstanding. And something remarkable happened. Seemingly abstract cogitations in the field of aesthetics, of epistemology, suddenly became endowed with a certain corporeality, glowing in genial charm.

At times, when I summoned into my mind Kurt Riezler's presence—the beautiful landscape of his features, with their spirited and commanding intellectuality, though overcast perhaps with resignation—I would say to our friends: Can you see it? He is on leave in our midst from the court of Lorenzo de' Medici. For in Riezler humanism rediscovered itself in a new affirmation of the human, a radiant upsurge of the free mind over against Savonarola, terrifying image of dark fanaticism. Where, where are our sustaining forces in the uncertain balance of insecure values? Hark Lorenzo's voice, now in encouragement for today, now in forewarning of things to come—"Di doman' non e certezza . . ."

KURT RIEZLER, 1882-1955*

BY LEO STRAUSS

I AM honored in having an opportunity to pay tribute to Kurt Riezler. But in accepting that honor I wish to make clear the limitations of my competence. Though he was my friend, and though I am familiar with most of his writings, I cannot say that I have mastered the full subtlety of his thinking. And I am embarrassed not only by the inadequacy of my knowledge. Riezler was not only a thinker and writer. He was equally a man of action. He was, above all, a human being of rare breadth and depth. To pay him adequate tribute one should do more than analyze his thought: one should also describe him in action, and bring to light the man himself. This would require gifts of narration and characterization that are beyond my powers. If in spite of these hesitations I attempt to suggest the nature of Riezler's thinking, I do so because I share with my former colleagues at the New School a conviction that our esteem for his stature must not go unattested.

Before I present my considerations on Riezler the scholar I want to mention that Riezler, more than anyone else among my acquaintances, represented to me the virtue of humanity. I believe he was formed by Goethe more than by any other master. His interests and sympathies extended to all fields of worthy human endeavor. He could easily have become an outstanding scholar in a great variety of fields, but he preferred to be a truly educated man rather than a specialist. The term "professor" does not designate anything of him, but the term "gentleman" does. The activity of his mind had the character of noble and serious employment of leisure, not of harried labor.

And his wide-ranging interests and sympathies were never

* EDITORS' NOTE—Kurt Riezler was Professor of Philosophy in the Graduate Faculty of the New School from 1939 to 1952, when he became Professor Emeritus.

divorced from his sense of human responsibility. Nothing human was alien to him unless we reckon the sordid, the mean, the vulgar, and the fanatical among the human. He could become angry, but he never felt moral indignation. He could despise causes and even human beings, but his contempt was never cut off from pity. He was a man of great warmth and tenderness, but he was utterly unsentimental. He disliked words like duty and fatherland, but he was singularly free from levity, and he retained to the last a certain Bavarian sturdiness that had become transfigured into an unpretentious strength and greatness of soul. In his long and varied career he could not help hurting other human beings, but there was no trace of cruelty in him. He had strong likes and dislikes, but they bore no relation to self-interest or vanity. He was sometimes unjust, but he was never petty.

In company he was altogether pleasant: not heavy or moody, not frivolous or half-absent. Though his was a rare intelligence, only a crude man could call him an intellectual. His speech was in perfect harmony with his being: direct, weighty, of a manly grace, and free from any trace of the spurious or affected. He did not derive pleasure from winning arguments. When I try to see vividly what distinguishes wisdom from cleverness, I think of Riezler. His political judgment was not misguided by passion or by system or by prejudice; in the few cases where I believed at the time that he was wrong, his judgment was vindicated by what happened afterward. All the important points made after the Second World War by Chester Wilmot, on the basis of more or less secret information, were made during that war by Riezler, on the basis of information accessible to everyone.

I

Not having been as unpolitical in his youth as the young Thomas Mann, Riezler was protected against ever becoming as simplistically political as the middle-aged and old Thomas Mann. I encountered the young Riezler for the first time some weeks ago when I read his 1913 work entitled "Outlines of Contemporary

World Politics"—*Grundzüge der Weltpolitik in der Gegenwart*—which he published under the pseudonym of J. J. Rüdorffer. For the proper understanding of the book one must bear in mind that it was published shortly before the outbreak of the First World War and written by an influential official of imperial Germany.

In this work Riezler attempted to clarify the character that foreign politics had taken on during the long period of peace among the great European powers after 1871. He traced that character to the nature of foreign politics on the one hand, and the particular conditions of the period on the other. The most massive political fact was the conflict among nations: each nation concerned with self-preservation and expansion, and driven by unlimited selfishness. But national conflict was not the fundamental conflict. Nationalism was challenged by cosmopolitanism. Both nationalist and cosmopolitan tendencies were growing in force, and so was their irreconcilable hostility. Riezler faced the question whether peace among nations or war among nations is according to nature. He saw this alternative: either the nation is the highest form of human association, with the consequence that there is "eternal, absolute enmity" among the nations, with friendship among nations being enmity postponed or common enmity to other nations; or else humankind as a whole stands above the nations, assigning them their role and place and legitimately limiting their aspirations.

He decided without hesitation in favor of nationalism. The conflict of ideas, he argued, reflects the conflict of living forces; the question of the truth of an idea is therefore the question of its power. He held that we have only to look around us in order to realize that the thoughts and sentiments of the nations are dominated by the national idea, not by the cosmopolitan idea. And history teaches us that while nationalism and the nation state are of fairly recent origin, their earlier equivalents were always more powerful than cosmopolitanism. Riezler was not impressed by the cosmopolitan professions of faith—of which there

was no scarcity. He was certain that if these professions were put to the test, even the socialist workers would go with their countries. Nor was he impressed by the belief that if the nations only knew one another better, through seeing more of one another, enmity among them would cease: increase of acquaintance does not necessarily improve feeling.

But it was not alone the power of nationalism—its power in the present and the past—that led Riezler to prefer it to its opposite. He believed that nationalism stands for something more noble than cosmopolitanism, or at least than that cosmopolitanism which is politically relevant. The politically relevant cosmopolitanism was supported by the modern economic-technological-scientific development. But this development did not strengthen, it rather weakened, the human in man. It increased man's power but not his wisdom. One could see with special clarity in Germany that this development was accompanied by a decay of the spirit, of taste, of the mind. It compelled men to become ever more specialistic, and at the same time it tempted them with a sham universality by exciting all kinds of curiosities and stimulating all kinds of interests. It thus made ever more difficult concentration on the few things on which man's wholeness entirely depends.

Riezler found the intellectual root of the politically relevant cosmopolitanism in what he called the modern ideal. He discerned in that ideal three elements. The first was the belief that human life as such, that is, independently of the kind of life one leads, is an absolute good. The second, derivative from the first, was universal and unqualified compassion or humanitarianism. And the third was "materialism," an overriding concern with pleasure and an unwillingness or inability to dedicate one's life to ideals. This analysis is not very much liked today, but it is historically valid. To show how it leads on to the defense of nationalism, Riezler's thought may be expressed as follows: the modern ideal does not leave room for reverence, the matrix of human nobility; reverence is primarily—that is, for most men at

all times, and for all men most of the time—reverence for one's heritage, for tradition; but traditions are essentially particularistic, and therefore they are akin to nationalism rather than to cosmopolitanism.

It appears that Riezler's decision in favor of nationalism rested entirely on experience—on experience of the power of nationalism in the present and in the past, and on experience of the low character of actual cosmopolitanism. One might say that his decision did not do justice to the possible future, the promise, the ideal, of cosmopolitanism. This neglect of the future is the more remarkable since Riezler held at the same time that the nation is never what it is actually, but that it is always what it is by virtue of its future.

The difficulty is hardly overcome by what Riezler suggested in regard to the essence of the nation. According to him, both the individual man and the nation are living beings, genuine wholes. But whereas the individual necessarily dies, there is no necessity for the death of nations; nations can live in the hope of eternal life, whereas individuals cannot. Therefore the individual partakes of eternity only through his nation, and his nation is the only true way for him. In this context Riezler quoted a character in Dostoyevsky's *Possessed*, who said that the different nations have never had the same God—that each nation has its own God and its own conception of good and evil, its own good and its own evil.

I regard this as unsatisfactory—if for no other reason than that, as Riezler himself admitted, there may be an essential necessity for the death of nations, as there is for the death of beings. Incidentally, it is worthy of note that Riezler did not attempt to establish the metaphysical dignity of the nation by taking recourse to the connection between thought and language. There were probably two reasons for this. In the first place, he seems to have thought that language is not the matrix of the truth toward which thought is directed. And besides, he saw too clearly that there is no necessary connection between the community created by the unity of language and the political community, as is shown by the

modern examples of Switzerland on the one hand and the United States and Great Britain on the other.

One may wonder whether there is any alternative to cosmopolitanism other than the political philosophy of Plato and Aristotle, who taught that the natural political community is not the nation but the city. The nation would thus appear as a half-way house between polis and cosmopolis, and any attempt to bring out the truth underlying nationalism, but not adequately expressed by nationalism, would have to be guided by the insight embodied in the classical preference for the polis over against cosmopolis. However this may be, Riezler later abandoned the nationalism of his youth, and he studied with ever increasing devotion the *Republic* of Plato.

But while nationalism as such is theoretically unsatisfactory, it may still supply us with the best available framework for understanding the present political situation and for enlightening political action within a world that it will dominate for the foreseeable future. For these purposes nationalism is certainly superior not only to the constructs of the legalists, but also to a certain sociology which is guided by the notions of "society" and "growth," for that sociology is likely to make us forget two things that the nationalist never forgets. Societies are still, and for the foreseeable future will continue to be, national or imperial societies, closed off from other societies by unmistakable and formidable frontiers that have been established by wars rather than by other means. And if societies "grow" there is no guarantee whatever that they will not, in the process, take away the light of the sun from others: he who preaches "growth" without thinking of the term of growth, of the peak beyond which there cannot be growth, preaches war.

Riezler, too, spoke of the nation as of a being that, as long as it is healthy, always desires to grow. And he did not minimize the fact that growth is most visibly growth in size, expansion: as long as it is healthy, the nation has a tendency toward empire, toward world rule. Yet, he held, extensive growth leads to disastrous

hollowness if it is not accompanied and prepared by growth in intensity, depth, inwardness, and consciousness—in "culture." He therefore opposed the nationalists proper, those who understood by growth nothing but expansion, or who overestimated "the power of force" and underestimated the power of ideas.

This was not the only point at which he left the way taken by the official Germany of that time. Nationalism, as he understood it, deprived the antagonism of monarchism and republicanism of its former importance, and therefore it made him indifferent to the German-Prussian monarchy. His nationalism was fundamentally republican, and was at least on the verge of becoming soberly democratic. The imperialism he favored was a farsighted, enlightened, sober, patient imperialism, an imperialism fashioned on the British model. Looking in this spirit at the political scene, he reached the conclusion that the national interest of Germany, as well as the national interests of all the other great European powers, required for the foreseeable future the preservation of peace, and he tried to enlighten his fellow citizens and especially his superiors about the possibilities of avoiding that conflict we now call the First World War. He paid special attention to the fact that there was still sufficient room for the parallel, not conflicting expansion of the white race in Asia and Africa. He even visualized the possibility that the end of the period of parallel expansion might coincide with the emergence of a state of things in which war would have become altogether impracticable because all great powers would have to lose much more from war than they could possibly gain from it.

The greatest danger to peace he saw not in the big armaments and the system of alliances as such—for he thought that by making calculations of victory extremely difficult, they would incline calculating statesmen toward a policy of caution—but rather in the weakness of the governments in the countries in which there were strong nationalist movements, and in the replacement of "the system of slowly shifting alliances . . . by an inflexible system of two camps" (the Triple Alliance and the Entente). War could

be avoided in the foreseeable future if the possibility of manoeuvring remained open; and that possibility could be kept open provided the national interest, and not prestige or demagoguery, determined the handling of foreign affairs. Riezler returned to these problems forty years later in his Walgreen Lectures, *Political Decisions in the Modern Mass Society of the Industrial Age*. In comparing these statements made in 1953 with those made in 1913, I am struck by the similarity of approach. I think I detect, however, a slight shift of emphasis: the experience of forty years seems to have given Riezler greater clarity about the source of the weakness of modern non-tyrannical governments vis-à-vis demagoguery.

Nationalism or imperialism as Riezler defended it reminds me at more than one point of the political views of Max Weber. The fundamental difference between the two men is that the Christian teaching regarding war and peace, more precisely the Sermon on the Mount, created less of a problem for Riezler than it did for Weber. Whether this difference is connected with the fact that Riezler came from a Catholic family and Weber from a Protestant family, I am unable to say.

It is not possible to summarize Riezler's clear and broad analysis of the world political situation of 1913. But it ought to be said that it is an excellent model from which students of international relations could learn an important part of their craft. If I had to compile a Reader in International Relations, I would incorporate in it this analysis. It reminds me of Burke's examination of the European situation in 1791 in his *Thoughts on French Affairs*.

The young Riezler, though a nationalist politically, was not a nationalist *tout court*. He distinguished genuine cosmopolitanism from spurious and superficial cosmopolitanism, and he discerned the root of the former in the depth of the individual. The individual is part of his nation, but he is not merely part of his nation: "he has his own task, his own goal, and his own value." The nation, then, is not the only way to eternity. Only individ-

uals, and not nations, can engage in the quest for truth, and this quest unites individuals belonging to different nations. The genius, while being the son of a nation, belongs to mankind. To quote from an essay that Riezler published thirty years later, "the voluntary and cheerful outcast who refuses to conform but bears no grudge . . . is the salt and pepper of any society, and its most important member, though he does not regard himself as a member. He is the spur of a horse that likes to fall asleep."¹ But this genuine cosmopolitanism does not affect the fundamental relation among the nations.

Imperial Germany went down to defeat and collapsed. At that time people began to talk of the decline of the West. During the Weimar Republic, Riezler published, as far as I know, only one writing that could be called political, his lecture "On Fatality and Freedom in the Present Age"—*Über Gebundenheit und Freiheit des gegenwärtigen Zeitalters* (1929). Its theme is the future of Western man. Despite the great differences in the prospect, and the differences in subject matter, the two political writings produced by Riezler in Germany have something important in common: in both cases he opposed "the prophets of gloom" and attempted to show that there is hope if sanity prevails.

Actually, insanity prevailed again. Led politically by Hitler and intellectually by Heidegger, Germany entered the Third Reich. Riezler had to leave the country. The Third Reich and its biggest achievement, the Second World War, confirmed the prophecy of the decline of Europe. During the cold war that replaced the Second World War, Riezler was led to write his third and last political work, his Walgreen Lectures. The message remained unaltered: there is hope for Western man, the Western world is not doomed, if sanity will reassert itself—as it is still able to do, for there is a difference which is not negligible between stigmatizing the expression of sanity as "controversial" and completely suppressing it.

¹"On the Psychology of the Modern Revolution," in *Social Research*, vol. 10 (September 1943) p. 325. Compare Riezler's *Gestalt und Gesetz* (1924) pp. 95-98.

II

Political analyses were the foreground, the by no means negligible foreground, of Riezler's philosophical studies. His analysis of the world political situation in 1913 was based on the assumption that political life cannot be understood with the means of science, of natural science. He assumed a dualism of methods—of the methods of natural science and those of historical understanding—and traced it to what one may call a metaphysical dualism. His philosophical premises were developed in his work "On the Indispensable Character of the Impossible, Preface to a Theory of Politics"—*Die Erforderlichkeit des Unmöglichen, Prolegomena zu einer Theorie der Politik*—which he published at about the same time as the *Grundzüge*. But since I have not had access to that work I turn to his second philosophical book, on "Form and Law, Project of a Metaphysics of Freedom"—*Gestalt und Gesetz, Entwurf einer Metaphysik der Freiheit*—published in 1924.

Gestalt und Gesetz, devoted to the problem posed by metaphysical dualism, is a document of the fermentation characteristic of German thought during the decade after the First World War. There was then a strong dissatisfaction with the established academic positions, and a groping for a new way of thinking, a feeling that it would not suffice to return from those academic positions to the great epoch of German thought—the epoch from Kant to Hegel. There was awareness of the general direction in which, it was believed, one had to move, but there was no clarity or certainty about the way. One could discern two disparate intellectual sources of the prevailing dissatisfaction and unrest: Kierkegaard and Nietzsche. At the end of the First World War there were three significant academic positions; these, in the order of their emergence, were the neo-Kantianism of the school of Marburg, Dilthey's philosophy of life, and phenomenology.

It is somewhat surprising that Riezler was more impressed by the Marburg school than by its rivals, though his aspirations had least in common with its tenets or tendencies. From conversations with him I gathered that the reason lay primarily in Her-

mann Cohen, the founder of the school of Marburg. Cohen surpassed all other German professors of philosophy of the period between 1871 and 1925 in the fire and power of his soul. Passion and power in the originator of a doctrine do not establish the doctrine's truth, but for Riezler they were indispensable conditions for paying serious and sustained attention to the doctrine. As regards the trans-academic forces that agitated the German mind, Riezler was not touched at all by Kierkegaard, but was deeply affected by Nietzsche.

In the book under consideration Riezler started with accepting a fundamental dualism, which he expressed as law and form—the inorganic and the living, nature and mind, necessity and freedom. He rejected the view that one of the two opposites can be reduced to, or deduced from, the other: mind cannot be understood as a product or effect of nature, nor can nature be understood as a derivative from mind. He likewise rejected the view that the fundamental dualism can be conceived as a mere dualism of points of view: the unity of man, who partakes of both nature and its opposite, demands a single point of view from which he in his unity can be grasped. For fundamentally the same reason one cannot solve the difficulty by ascribing one of the two opposites to the phenomenal world and the other to the thing-in-itself: both opposites belong to one and the same world. What is required, then, is not merely a theory of knowledge, or even a critique of the human mind, but a metaphysics whose theme is the whole of the one world as that of a world characterized by a fundamental dualism. But, Riezler added, this metaphysics must be critical.

Critical metaphysics, in contradistinction to the obsolete ontological metaphysics, is based on the Kantian insight that things qua things depend on human knowledge, are constituted by human knowledge, in other words, the whole conceived of as a totality of things cannot exist. "The central question" of metaphysics is therefore "the question of the subject, the ego, the soul, or the monad." Riezler did not speak here of reason or mind; he con-

ceived of reason or mind as part of the subject or the soul. In other words, the spontaneity that is characteristic of the subject is spontaneity not only of reason or understanding, as Kant had taught, but of the senses as well. This does not mean, however, that the subject is man. It is merely due to human pride that men regard man as superior in dignity to plants and to brutes. Nor is the subject God. However this may be, critical metaphysics, being essentially concerned with the subject or the soul, is "metaphysics of freedom."

If critical metaphysics is metaphysics of freedom, necessity must be understood as derivative from freedom: the dualism of freedom and necessity reveals itself as only provisional. Only in the peripheral perspective of man does a broader freedom appear as necessity. Necessity, fatality, determinacy is in truth nothing other than the mutual limitation of free, creative powers and the dependence of creative powers on their own creations. Similarly, other dualisms prove to be merely provisional. Thus it may appear that Riezler simply suppressed the dualism from which he started.

No pair of opposites is stressed more strongly in *Gestalt und Gesetz* than that of law and form: the mathematical formula of the scientific law as opposed to its ancestor, the Platonic-Aristotelian idea or form—or rather, general rules as opposed to the concrete gestalt. And yet this dualism, too, proves to be provisional. This does not mean that the extensive discussion that Riezler devoted to it is superfluous. The opposition of law and form, the movement from law to form, is indispensable if the true character of reality is to be understood. Thinking in terms of law, though inevitable for man, is the basic obstacle to the understanding of reality. Yet one must also beware of the equally faulty opposite extreme, which is that of regarding reality as a blind, creative will that lacks direction, meaning, or a goal. And the mean between these faulty extremes, law and will, is form.

It is only by the analysis of form that Riezler discovered the pair of fundamental opposites and therewith established not

indeed their reconciliation but their essential inseparability. Form is generated by a process that has no other meaning than to generate forms, ever higher forms. This process does not precede form: the forming is always itself formed. Form is what it is by its own formative action. Every form, everything that is, points beyond itself, tends beyond itself. It is less than it ought to be. Reality lies between Is and Ought. The fundamental and eternal antinomy of the Is and the Ought constitutes reality. The world is eternal disharmony, striving, longing, endeavor, *eros*, and therefore eternal life. It strives for the infinite, permanent, and perfect, and achieves only the finite, transitory, and imperfect. It is eternally imperfect: everything good is good only by virtue of some evil; love is inseparable from hatred, joy from pain; every achievement is bought at the price of some failure; every coming into being is a perishing. There is no possibility of redemption by human or divine means: not even Heaven itself can be redeemed. But precisely for this reason, the world is eternally alive. In theological language, God is not, He is eternally becoming.

Reality thus understood must consist of an infinite number of forms, formative forms, subjects, or mortal monads, each of them qualitatively different from all others—unique. These monads are not isolated from one another. Each monad is, as it were, within others, and by virtue of its unique striving is in conflict with the others: reality is the eternal conflict of infinitely many monads. There is no harmony among them, since there does not exist the one uncreated central monad. Every monad is the center, and therefore every monad is peripheral. Every monad longs for the impossible center; this longing is life. Every monad has its own perspective: reality is something different for every monad. Reality is an infinite process which gives rise to, or rather consists of, an infinite number of processes, that is, formation of forms, and which reveals itself only in an infinite number of incompatible perspectives. In this infinity everything is means and everything is end: reality is not a hierarchic order.

But does this "eternal relativity" not destroy the unity of the world? Does it not lead to the consequence that nothing is true and everything is permitted? Riezler denied this. There remains something firm and stable, there remains a unity, but this unity, one and unchangeable, cannot be found in any "absolute suchness" or in any form, to say nothing of number or law. The unity of the world is the unity of fate, the fate of each of its parts: birth and death, striving and failure, and so on. In moving from neo-Kantianism to his critical metaphysics, from law to form and to the ground of form, Riezler moved from the unity of method to the unity of fate.

From what has been said it follows that critical metaphysics is distinguished from the ontological metaphysics of the past not only by its theme but by its mode as well. It is not theoretical. It does not imply that one leaves the world of change for the permanent or eternal. Philosophy as critical metaphysics is aware of the limitation of philosophy. There is a disproportion between the breadth of philosophy's task (to grasp the whole, the whole process) and the narrowness of its means (concepts). Philosophy needs concepts, and must break through its concepts. Its task is unfinishable. Its fate is tragic—as tragic as the fate of every other manifestation of life. Thus while philosophy is unable to grasp the whole by its concepts, it copies or represents the whole by its fate—for the whole is that unity which is the fate of every part of the whole. The eternal antinomy at the bottom of everything cannot be looked at in detachment; it discloses its meaning only if it is experienced—if it is experienced in the anguish of the radically isolated individual, and if that experience culminates in an ultimate "And in spite of it." Philosophy means honorably to come to grief, obstinately to refuse the delusion of redemption, to say yes to, or to love, this world as the only world. In this way, and only in this way, does it appear that not everything is permitted.

The phenomena that led Riezler from law to form were the living beings and the works of art. But these phenomena are not

sufficient to support his speculations about the ground of reality. In these speculations he was guided by what he regarded as the phenomenon of history: history as the creation of ever new forms, of ever higher forms. His metaphysics is an attempt to understand nature after the analogy of history. Accordingly he asserted that time, and not space, belongs to the core of reality—nay, is the core of reality. "Time is the longing of the deity for itself."

It is only with a certain difficulty that I recognize in *Gestalt und Gesetz* the Riezler I knew. The differences between *Gestalt und Gesetz* and his later books may be traced to a single cause: his later thought was shaped both by the influence of Heidegger and by the reaction to him. Not indeed Riezler's deepest tendency, but the way in which he expressed it or did not express it, was decisively affected by Heidegger.

It would be an understatement to say that Heidegger was the greatest contemporary power that Riezler encountered. One has to go back to Hegel to find another professor of philosophy who affected in a comparable manner the thought of Germany, indeed of Europe. But Hegel had some contemporaries whose power equalled his, or at any rate whom one could compare to him without being manifestly foolish. Heidegger far surpasses all his contemporaries. This could be seen long before he became known to the general public. As soon as he appeared on the scene, he stood in its center and began to dominate it. His domination grew almost continuously in extent and in intensity. He gave adequate expression to the prevailing unrest and dissatisfaction because he had clarity and certainty, if not about the whole way, at least about the first and decisive steps. The fermentation or the tempest gradually ceased. Eventually a state was reached which the outsider is inclined to describe as paralysis of the critical faculties: philosophizing now seems to have been transformed into listening with reverence to the incipient *mythoi* of Heidegger.

Tum, pietate gravem ac meritis si forte virum quem
Conspexere, silent arrectisque auribus adstant.

Riezler delivered his speech on *Gebundenheit und Freiheit des gegenwärtigen Zeitalters* in 1929, before an audience in Davos that had just listened to a debate between Heidegger and Cassirer. Riezler took the side of Heidegger without hesitation. There was no alternative. Mere sensitivity to greatness would have dictated Riezler's choice. Cassirer represented the established academic position. He was a distinguished professor of philosophy, but he was no philosopher. He was erudite but he had no passion. He was a clear writer but his clarity and placidity were not equalled by his sensitivity to the problems. Having been a disciple of Hermann Cohen, he had transformed Cohen's philosophic system, the very center of which was ethics, into a philosophy of symbolic forms in which ethics had silently disappeared. Heidegger, on the other hand, explicitly denies the possibility of ethics, because he feels that there is a revolting disproportion between the idea of ethics and the phenomena that ethics is supposed to articulate.

In *Gestalt und Gesetz*, it may be recalled, Riezler had found the unity of the world not in any "suchness," which would be accessible to a detached view, but in the fate of each of its parts. This fate was said to disclose itself only by being experienced in the anguish of the radically isolated individual; the parts of the whole were conceived of as mortal monads. One could say that Riezler had identified "the substance" with the fate, the specific finiteness, of the mortal monad. Thus he was not unprepared for Heidegger's thesis, according to which "the substance" is *Existenz*. Yet Riezler's mortal monad was not man in particular but any living being, that is, any being—though man and man alone had supplied him with the clue to the other beings. He had attempted to understand the whole from the likeness of man or of history. What he learned from Heidegger was, in the first place, that such an attempt presupposes a clarification of what man is.

But, as Riezler had stressed, the question of the What or of "suchness" does not go to the root; the fundamental question must concern the fate of man, or, as Heidegger said, his *esse his Existenz*.

Heidegger's analysis of *Existenz* is meant to be the fundamental ontology, "the first philosophy," for philosophy is nothing other than ontology. Riezler learned from Heidegger above all that philosophy is ontology. In *Gestalt und Gesetz* he had suggested that everything comes into being and perishes, or that nothing "is" except coming into being and perishing. He had thus touched on the ontological problem, but at the same time he had rejected ontology as obsolete. In his later writings, however, he identified philosophy with ontology.

One can express Heidegger's notion of ontology most simply by using Platonic expressions in an un-Platonic sense. Ontology is concerned not with beings, but with that which we mean whenever we say of anything that it "is," or with that by virtue of which beings are, or with that through partaking of which beings are and are said to be; this *esse*, the ground of all beings—as distinguished from *entia*—is not a being but is beyond being and beingness. The distinction between *esse* and *entia* enabled Riezler to articulate what in fact had been the most fundamental distinction used in *Gestalt und Gesetz*: the distinction between fate, which can never be a thing or an object, and everything else, which is or can become a thing or an object.

III

The first book Riezler composed on this basis is his *Parmenides* (1934), the only work of his that is devoted to a subject belonging to the history of philosophy. The historical problem, the problem of the meaning of Parmenides' poem, was for Riezler at one with the most important "systematic" problem. The ontological problem is, to begin with, not intelligible to us, because we are the heirs to a tradition of many centuries in which the ontological problem (that of *esse*) was mistaken for the cosmological problem (that of the totality of *entia*) or for the theological problem (that of the highest *ens*)—a tradition which, in its modern form, gradually lost the last vestige of memory of the ontological problem. All our habits of thinking, all the concepts that are at our dis-

positional, stem at best from the time in which the ontological problem had begun to be overlaid or superseded by the cosmological or the theological problem. The ontological problem appears clearly and purely only in the beginning of Western thought, and in particular in Parmenides. To understand the ontological problem means, then, to liberate oneself from the shackles of a tradition which conceals the problem, or to recover the origin of our tradition: the "systematic" problem is inseparable from the historical problem.

In this Riezler followed Heidegger, for whom the elaboration of the ontological problem is inseparable from the *Destruktion* of the philosophic tradition. But Riezler deviated from Heidegger in a decisive point. Heidegger's return to the origin of Western thought serves the purpose of overcoming the limitations of Western thought, particularly of Greek thought. But Riezler held that early Greek ontology is the true and final foundation of ontology. According to Heidegger the essential limitation of Greek ontology shows itself in the fact that the Greeks understood "to be" as "to be present or near." Riezler, however, accepted the Greek view, according to which only "to be present" is "to be truly." In his copy of the first edition of Diels' *Vorsokratiker* he wrote the following words on the margin at the beginning of Parmenides' fragments: "Gegen dieses verstaubte Gold der Philosophie ist alles seit hundert Jahren nur vergoldeter Staub" —compared with this gold of philosophy which is covered by dust, everything else for centuries has been only dust covered by gold. And at the end of his *Parmenides* he indicated his belief that among all post-Greek thinkers only Nietzsche would have been favored by Parmenides with an intimation of the right way: the same does not have to return eternally, for it is always wholly present.

It is necessary to explain briefly what Riezler understood by ontology. The most fundamental presupposition of all thought is what one may call the decision as to what "to be" means. For instance, modern science may be said to identify "to be" with "to

be observable by everyone" or "to be a possible object" or "to belong to the spatial-temporal order." "To be" thus understood is relative to the observer, to any observer, to the anonymous observer. But we divine somehow that "to be" means above all "to be in itself" and not merely "to be relative . . ."; "to be" means above all and primarily to be a subject and not an object. The anonymous observer would then "be" in a more fundamental sense than any or all of his objects. Furthermore, the anonymous observer "is" not according to that meaning of "to be" which is authoritative for him: we can observe only this or that observer, who is always much more than the anonymous observer. The anonymous observer, and everything that "is" only in relation to him, is an abstraction, and we divine somehow that "to be" means primarily "to be concrete."

"To be concrete" means not merely to be a particular being but likewise to belong to a particular whole, to a particular dynamic context; a particular being divorced from its particular dynamic context is an abstraction. Every real observer belongs to such a dynamic context. In proportion as he leaves that context, as he looks at it from without, he misses the concrete: true reality is "reality seen from the inside." This implies that in order to be truly real, reality must be "seen": if there are no human beings there cannot be concreteness.

However this may be, if "to be" means "to be concrete," the fundamental question cannot concern this or that concrete someone or something, or the totality of concrete someones and somethings in their concrete contexts, but concreteness as such. More generally and more cautiously, the fundamental question concerns not this or that being, or the totality of beings, but beingness.

Beingness is distinguished from the beings as the One from the Many. This does not mean that beingness is the transcendent God whereas the beings are His creatures in this world. Beingness is nothing but the ground of the this-worldliness of everything in this world; the One is only in the Many; beingness is not without beings, and vice versa. Nor is beingness related to

the beings as the whole to the parts. Beingness is the one fate, the one order, the one law of all beings, although we have access to beingness only in the case of man. The unity of beingness does not mean simplicity, but unity of the different. Beingness has a complex articulation; it is a whole consisting of a variety of elements or "powers," each of which demands the others and is co-present in them; it is a texture in which each thread entails all others, or in which the whole inheres in each thread. It is this whole texture by virtue of which any being "is." Whereas all beings come into being and perish, beingness is unchangeable, eternal, timeless. At the same time, however, beingness is said to be "occurrence," and it is for this reason that Riezler preferred to use the verb *esse* rather than the noun "beingness."

In the light of ontology, thus understood, Riezler approached the fragments of Parmenides' poem. It would be more accurate to say that Riezler, having become aware of the ontological problem, turned to Parmenides, and that his ontology was partly shaped by what he learned from him. Parmenides' poem consists of two parts, the first devoted to truth, the second to opinion. According to the traditional or vulgar interpretation, Parmenides taught in the first part that being is one, and that therefore manyness and change do not exist or are mere appearance or opinion; even knowledge and being must be identical. In the second part he presented the general opinion of mankind, according to which manyness and change exist, by deducing that opinion from its false principle that being is not one but two (say, light and darkness); the world of appearance can be understood as a mixture of light and darkness, as Parmenides showed by presenting the genesis of the many and changing things out of that mixture.

Riezler, who continued the way of interpretation that was opened by Karl Reinhardt, contended that Parmenides denied manyness and change not to the beings but to beingness. Opinion consists not in admitting manyness and change, but in being blind to the unchangeable unity that underlies and makes possible manyness and change. The unity of beingness is a unity of

opposites. Opinion consists in divorcing the opposites completely from each other, or in being blind to the co-presence of one of the opposites in the other; it is aware only of that quality which is sensually perceived at a given moment, and unaware of the opposite quality, which is co-present but not sensually perceived at that moment. Opinion identifies the truth with what is sensually perceived; it is surrender to sense perception. Hence the fundamental error of opinion does not consist in assuming the two principles, light and darkness: both these principles and everything that flows from them belong to truth, and not to opinion. Accordingly, the second part of Parmenides' poem does not so much "systematize" opinion as supply the true explanation of opinion. In particular one fragment of the second part (Fr. 16), rightly understood, gives us the decisive information, supplied nowhere in the first part, about the true relation of truth and opinion.

Riezler's interpretation is a high point in the modern study of Parmenides. One can hardly go farther in the direction he followed, as long as one remains concerned with what Parmenides himself taught, as distinguished from what his poem may convey without his necessarily having intended it. And Riezler has disposed of the vulgar interpretation more completely than others have done. The question that remains is whether the vulgar interpretation, which has seen only the gulf separating the two parts of the poem, has not thereby seen something that is now in danger of being overlooked. Riezler himself spoke of the "imagery" of the second part. The second part does not, then, convey the pure truth. But the first part, too, does not convey the pure truth if, as Riezler contended, it does not contain the full truth: to say the least, it is not very explicit about the unity of opposites in being or in beingness. Thus it may appear that the two parts are not identical with truth and opinion, and that their relation only reflects the relation of truth and opinion—that neither pure truth nor pure opinion comes into full view in the poem. Yet Parmenides makes us expect them to come into full view in his poem.

Perhaps he did not desire that the expectation should be fulfilled in an obvious manner. In that case, the vulgar and traditional interpretation—according to which the first part sets forth the full truth and the second part mere opinion—may adequately render what one may call the immediately and universally visible meaning of the poem; and Riezler's interpretation would then transcend that meaning in the direction of the hidden and serious meaning, without, however, arriving there. Here as elsewhere an intransigent return to the surface may be the indispensable condition for progress toward the center.

IV

Riezler's critical metaphysics had claimed to be supported by the phenomenon of history, and to articulate that phenomenon in a fundamentally adequate manner. When he turned from critical metaphysics to ontology he ascribed to ontology the same support and the same function he had originally ascribed to critical metaphysics. Hence he was confronted by these two difficulties. First, there is a tension between the understanding of beingness as timeless law and order and the understanding of beingness as occurrence—between the understanding of beingness as trans-historical and the understanding of beingness as historical. And second, in Riezler's interpretation all understanding of beings or the concrete was said to belong to a particular dynamic context or to be itself concrete. Must the same not be true also of the understanding of beingness or concreteness as such? Or can the ontologist be an anonymous observer? If this is impossible, will ontology itself not become involved in the process, and thereby become relativized?

Riezler took up these questions in his "Treatise on the Beautiful: Toward an Ontology of Art"—*Traktat von Schönen: Zur Ontologie der Kunst* (1935). This work was meant to prepare a fully developed ontology, but only to prepare it: not the phenomenon of art but the phenomenon of history would have to be the starting point for a comprehensive ontology. The analysis of

art is, however, the most appropriate "prolegomenon to a doctrine of history," because it brings the analyst into the proper mood for his larger task. Art, and not thought or concept, is akin to beingness. Art, and not nature, is the domain of the beautiful. Art, and not religion, expresses man's self-affirmation. Art is religiousness without gods; it does not need religion, whereas religion needs art in order to be truly religion. And finally, art is the supreme remedy for that Christianity without God which, as Riezler suspected, constitutes a limitation to Heidegger's perspective.

What then, according to Riezler, is the essence of art? Art is expression, but in such a way that the expression is somehow that which is expressed. What is capable of being expressed is never a thing; things can only be described or denoted. Only states of the soul, only what we ourselves are or can be, can be expressed. For instance, a good painting of a stone, as distinguished from a mere copy, brings out those qualities that are possible states of ourselves or possible manners of our being: the bright or the dark, the rugged or the smooth, loneliness or togetherness, and so on. A good painting of a stone brings out the stony, which, though in different ways, is both in the stone and in ourselves. More precisely, it expresses, say, loneliness in such a way that togetherness is co-present with it though on the surface it is absent. The good work of art lets us see togetherness within loneliness, or hauntedness within serenity, that is, serenity as a state of a being that can be haunted. Trash or poor art is distinguished from high art by the fact that it does not bring out the co-present opposite of the sweet, the gruesome, and so on. When we say of a work of art that it is "alive" we mean precisely that it brings out possible states of the soul as co-present with their absent opposites. Art expresses an in-between of opposites. But it always expresses more than one in-between: it expresses the in-between of many in-betweens. By this very fact it expresses the soul, the texture of the soul, the beingness of the soul, beingness as such.

In the work of art beingness itself, the mystery of life, comes

into sight or appearance. This is the reason why the work of art is mysterious, inexhaustible, and resplendent. If the work of art makes beingness visible, beingness as such is visible or concealed, and therefore also more or less visible or concealed. Beingness is not indifferent to being visible or concealed; it has a directedness toward coming into sight. A being "is," or partakes of beingness, more or less, according to the degree to which beingness is visible in it. The stone as we ordinarily see it does not reveal beingness; it is just a stone. In the good painting the stone is no longer a stone, that is, something we could not possibly be. In the good painting the stone has become visible in its beingness; only in the work of art "is" the stone truly. A soul "is" to a higher or to a lower degree, the more or the less it is aware of its beingness and therewith of beingness as such. Only by being aware of beingness "are" we truly. Beingness "is" only if it appears. But beingness appears only in the work of art. Only in the work of art "is" beingness: only in the expression "is" that which is expressed. The unchangeable texture "is" only as occurrence. Reality "is" only if it is "seen." Or, as Riezler interpreted the verse of Parmenides, beingness and awareness of beingness belong inseparably together. But since beingness is occurrence, there is no necessity that it should be *actually* seen; and *if* it comes into sight it appears in every case in a different manner, that is, it is in every case in a different manner.

These suggestions, presented here only in the roughest outlines, indicate the direction in which Riezler sought the ground of history: the ground of history is beingness as occurrence. As far as I know, he did not attempt to apply this point of view to the history or the fate of ontology as he saw it—the appearance of the ontological problem in the beginnings of philosophy, the concealment of the ontological problem by the cosmological problem in the thought of Aristotle, the oblivion into which the ontological problem has fallen in modern times, and its reappearance in the thought of Heidegger.

In regard to the problem of art or of the beautiful Riezler held

that this is an eternal problem but that it depends on history whether it is raised, and whether it can be raised. Each epoch that is sure of itself has a specific understanding of what constitutes beauty or artistic excellence; each healthy epoch has a specific style which it regards as the only good style. Only epochs of decay can be fully open to the artistic excellence of all other times and spaces; in such epochs no style can any longer claim absolute superiority, and only in such epochs can the question of what constitutes artistic excellence as such be raised adequately. Therefore, as Riezler put it, it is a present need or predicament which imposed on him the raising of the problem of art. The present need in question is apparently a need that was never felt before: the eternal problem of art has become susceptible of being raised adequately for the first time now, in response to the present predicament. One is therefore compelled to wonder whether the relation between the present and unique need and the eternal problem is not a part of the eternal problem itself—in other words, whether one can legitimately or strictly speak of an eternal problem. It certainly becomes necessary to reflect on the present need in its unique character.

We find such a reflection in Riezler's 1929 speech *Über Gebundenheit und Freiheit des gegenwärtigen Zeitalters*, which I have already mentioned. There he referred to the relativism or nihilism that is the immediate consequence of the historical consciousness. Opposing this immediate consequence, he inferred from the relativization by the historical consciousness of every known Yes and No a demand for a new Yes and No. Since this demand arises out of the historical consciousness and is informed by the historical consciousness, one might conclude that the historical consciousness, having reached full self-consciousness, will point to a new Yes and No, prepare a new Yes and No, and perhaps even identify them. More precisely, since the historical consciousness is the insight into the root of all Yes's and No's, of all norms or oughts, it might be regarded as the absolute insight; therefore it may seem that the historical consciousness cannot rest satisfied

merely with a new Yes and No, but must point to the absolute Yes and No, the final Yes and No. This may seem to be necessary also because one might think that only the absolute, and not the provisional, can bind the conscience. In other words, the historical consciousness, if it understands itself, may seem to belong to the absolute moment in history, and thus to be beyond the relativity of history.

But Riezler rejected this line of thought altogether. History is an unfinishable process, and therefore it does not allow of an absolute moment, an absolute Yes and No, but only of a new Yes and No. The new Yes and No cannot be found by philosophy, but only by an act of history, of life itself. If I understand Riezler's thought correctly, he meant that philosophy cannot do more than understand human life as historical, as dynamic context, as moving in a space that is itself moving, and thereby to understand the formal character of all possible Yes's and No's, without being able to deduce from this understanding any substantive Yes and No. Philosophy is limited to the task of bringing to light the eternal structure of life or history, "the eternal *humanum*," the immutable form of man's mutability. This is the eternal problem to which philosophy seeks the solution—a solution which, if it is to be adequate, cannot but be an eternal, an eternally valid solution. The eternity of the problem and of the solution does not depend on whether they are eternally accessible. In following this line of thought, Riezler was eventually driven to abandon the quest for a new Yes and No in favor of a quest for the immutable or eternal "‘good itself’ which is the measure of all measures." In his *Physics and Reality*, in which he spoke through the mouth of Aristotle, he said that "knowledge of being itself . . . is in itself the end. Its perfection is being's pure activity, the ultimate Whither through which all ends are ends."

If we are permitted to say that historicism is the view according to which at least all concrete or profound thought belongs essentially to a concrete dynamic context, and that Platonism is the

view according to which pure thought, being "anonymous," transcends every dynamic context, then we must go on to say that Riezler felt too strongly the difficulties of historicism not to be attracted by Platonism, but was too deeply impressed by both art and historical change to follow Plato resolutely. From the point of view of Platonism there can be only one type of classic art. Riezler, however, held the view, which is much more plausible today, that there is classicity not only in Greek art but also in Chinese art, mediaeval art, impressionism, and so on. By conceiving of the classic as the artistically excellent, he avoided the childish absurdities of vulgar relativism or historicism. Riezler was far too intelligent and too experienced in things beautiful to believe for a moment that the application of the distinctions between art and trash, between works of higher quality and works of lower quality, is "merely subjective," or that the appreciation of artistic quality depends in any significant way on historical or extraneous knowledge. The grasp of "the eternal *humanum*" may not be sufficient for legitimatizing one's preferring one Yes to another Yes, or preferring, say, classic Greek art to classic mediaeval art; it may not lead us, therefore, beyond what one may call a qualified relativism. But it is amply sufficient for revealing fully the absurdity of unqualified or vulgar relativism.

V

The impression of Riezler's thought received from his German books is confirmed by his English books, *Physics and Reality* (1940) and *Man: Mutable and Immutable* (1950). There is a very close and very obvious connection between these two works: *Man* begins where *Physics and Reality* ends. The character of *Physics and Reality* is sufficiently indicated by its subtitle: "Lectures of Aristotle on Modern Physics at an International Congress of Scientists, Cambridge, 1940." Riezler made Aristotle subject the physics of the modern centuries to a radical criticism. Modern physics is in our time manifestly confronted with radical difficulties that one cannot overcome by ascribing to the propositions of

physics a merely operational meaning, that is, by abandoning the original claim of physics that it reveals nature as it is in itself. There is only one way out of the impasse, the way shown by Aristotle. The primary theme of physics is beings as they move or change in time. Such beings are not accessible to modern physics but are accessible to the modern physicists, as to any other human beings: "The nature you talk about as scientists is not the nature you mean when you say 'I am.'" Aristotle approaches the phenomenon of motion or change by never losing sight of, even by starting from, man's experience and understanding of himself as a being that moves or changes in time. The more precise articulation of this experience and understanding is the function of Riezler's *Man: Mutable and Immutable—The Fundamental Structure of Social Life*.

As is indicated by its full title, this work is devoted to the analysis of man, of human life as radically social, or of society, social life, as radically human: the core of society is not institutions, interests, or even ideas, but passions and the striving for happiness, *la condition humaine* as occurrence, the heart and its logic, the life of the soul. In the language of the schools one would have to say that Riezler's doctrine of man and of things human is social philosophy as distinguished from political philosophy. His theme was "society" as "the universe of response, the spontaneous culture," distinguished from the state, which is brought into being by society for the service of society. Nor is society identical with the nation, although Riezler still contended that the complete or comprehensive society is the nation rather than "the doubtful unity of a 'civilization' comprising more than one nation." The society that supplied the framework for Riezler's analysis of the passions is "the 'idea' of society," or what "any specific group can be," or "the scheme of a relational structure" which articulates "the human elements that in their mutual relationships constitute society as society." "As a scheme it is an abstraction." It abstracts especially from the purposes of society. In this context Riezler opposed the thinking that is in terms of

means and ends, and especially the notion that there can be a "single purpose to which everything else is . . . merely a means."

From this we can understand why Riezler's social philosophy, as distinguished from the political philosophy of the past, does not contain an ethics proper: his central subject was not virtue and justice, but the passions (or the attitudes or the moods). In accordance with this, he discussed the relation of the I, the Self, which can never become an object, to the Me, that is, the I as object, without even alluding to the conscience. Riezler was aware of the fact that one must not look at social phenomena in the light of questions or doctrines, to which "no society pays any attention." But he did not draw from this the conclusion that social phenomena must be understood primarily in the way in which they come into sight in the perspective of the citizen or statesman. He did not begin at the true beginning of analysis, with the surface. The perspective of Riezler the analyst differed from the outset from the perspective of the citizen or statesman. Opposing "the man-environment scheme" which is the framework accepted by present-day social science, he developed a much more solid and much more fertile scheme: not man confronting his environment, of which other human beings as his objects are a part, but a We which constitutes itself by an I and a Thou mutually responding to each other, and distinguishes itself from a They, living "in" its world.

But while "We in our world" is more concrete than the Cartesian ego, which is shut up within "the box of its consciousness," it is nevertheless no more than a correction of the Cartesian starting point: the new starting point is as much a construction as the Cartesian one. The unnatural nouns, "the I," "the Me," "the Thou," "the We," reveal clearly this state of things. Riezler tried to proceed toward the concrete by starting from an abstraction. Thus he did not arrive at the concrete. He did not ascend from the phenomena, as primarily given, to their principles.

The hidden and modified Cartesianism which underlies the framework employed in *Man* is linked with the fundamental

premise of Riezler's thought. That Cartesianism showed itself at the beginning in the monadological conception that was developed in *Gestalt und Gesetz*, for the monad is a transformation of the Cartesian ego; it is distinguished from the Cartesian ego especially by its spontaneity. In *Man* the monad is in turn transformed into "We in our world." The question guiding Riezler's monadology concerned the essential character of the monad, or the essential structure of the life of the monad; it was not the question of what unites the infinitely many monads so that they form the world. This latter question, the question of the *kosmos*, was regarded as unanswerable; the *kosmos* remained an x. Riezler's monadology (as distinguished from Leibniz's monadology) took the place of cosmology, of speculative metaphysics, because speculative metaphysics appeared to be impossible.

When Riezler replaced monadology by ontology his fundamental premise remained the same. He stressed the fact that beyond any "world" which as such is the world of a "We," including both the "world" of a possible world society and the "world" of the anonymous observer, there is *the* world, but *the* world remains eternally an x. *The* world is then not the visible whole, limited by the visible "starred heaven above me" and the visible firm earth. Heaven and earth and what is between them have lost the contours visible to the eyes of the body or the eyes of the mind, for those contours have been dissolved by the acid of modern natural science; and they can acquire visible contours again, or "natures," only by entering, as it were, into any of the many historical worlds. Not those visible contours but only the fabric of beingness, and this means primarily the fabric of man's beingness, has the dignity of the immutable. In spite of Riezler's appeal from modern physics to Aristotelian physics, and from the historicist immersion in mutable man to the immutable in man, modern physics and its twin sister, "the historical consciousness," were the fundamental presuppositions underlying his ontology.

Yet however doubtful one may be as regards the fundamental

premise of Riezler and the framework he used for his analyses of the passions and of misery and happiness, this doubt becomes almost irrelevant as soon as one is confronted by these analyses themselves, and by the breadth, the earnestness, and the delicacy which inform them. These analyses far surpass anything that is at present being attempted within psychology or any other discipline.

With a view to the present state of the social sciences, one point needs to be mentioned with emphasis. Just as in earlier thought, knowledge of the nature of the soul was seen to lead to knowledge of the right or good activity of the soul, that is, to knowledge of the good life, Riezler's understanding of the essential structure of human life led him in a perfectly legitimate manner to non-arbitrary assertions about what constitutes the good life, about "the order of nature" as distinguished from convention. His analysis of the fundamental structure of society is "apparently pre-moral," but only apparently so. He shows that the common belief, according to which there is no legitimate way leading from "facts" to "values," has no other basis than a shockingly narrow understanding of "facts." To understand the "fact" of language means to understand the unchangeable principles underlying the distinction between "perfect speech" and speech that is more or less imperfect. To understand the "fact" of laughter means to realize the variety of levels of laughter—with, at the bottom, the silly laughter of silly people about things that are not ridiculous, and divine laughter at the top. To understand the "fact" of friendship—a "fact" that is perhaps never fully a "fact"—means to realize the low or degrading character of loveless sex and the narrowness of hate as a passion that "knows no sky."

By speaking humanly about the human passions, Riezler let us see incidentally the powerful reasons why he could not have been mistaken or misled about the meaning of 1933. His analyses of the passions are also meant as a critique of the "narrow humanity" which, according to Riezler, informs Heidegger's analysis of *Existenz*; they point to the riddle posed by Heidegger's obstinate

silence about love or charity, on the one hand, and about laughter and the things that deserve to be laughed at on the other.

Riezler's analyses of the passions culminate in his analysis of shame and awe as respect for the vulnerable and the secret. Human dignity, Riezler suggested, stands and falls by shame and awe, because man's greatness is co-present in his littleness, and his littleness is co-present in his greatness. It was ultimately because he grasped the meaning of shame and awe that Riezler was a liberal, a lover of privacy. By invading men's privacy one does not come to know them better; one merely ceases to see them. For a man's being is revealed by the broad character of his life, his deeds, his works, by what he esteems and reveres not in word but in deed—by the stars for which his soul longs, if it longs for any stars. Not anguish but awe is "the fundamental mood" which discloses being as being. Because he was animated by this spirit, Riezler felt more at home in the thought of ancient Greece than in the thought of his time.

In pondering over Riezler's highest aspiration I have thought more than once of Thucydides—of Thucydides' quiet and manly gentleness which sought no solace and which looked in freedom, but not in indifference, at the opposites whose unity is hidden; which did not attempt to reduce one opposite to the other; and which regarded the higher of the opposites not, as Socrates did, as stronger, but as more vulnerable, more delicate, than the lower. This is the treasure that Riezler divined, the treasure for which he longed and which he tried to bring to light again. We shall honor his memory best if we follow the light which he followed and to which he never ceased pointing.

DEVELOPMENT PLANNING AND THE ECONOMIC CALCULUS

BY BENJAMIN HIGGINS

THE postwar period has brought growing use of professional economists from the industrially advanced countries as advisers on planning development of less developed areas. The consequent accumulation of experience and the renewed interest in development are giving rise to an essentially new branch of economic literature. The classical economists, Karl Marx, and a few twentieth-century economists have been primarily concerned with economic growth; but their interest has been in explaining or sustaining capitalist economic development where it was already under way. Perhaps for this reason their writings have not stimulated large numbers of economists to direct their energies toward producing a specialized literature on economic development. What has brought about that result has been the sudden concern with the appalling problems of *launching* a process of growth in underdeveloped countries, and the recognition of economic development as a matter of *policy* in advanced and underdeveloped countries alike.

Few economists, however, and least of all those with experience in assisting governments of underdeveloped countries in their development planning, would contend that the literature is presently in a satisfactory state. In terms of bulk, most of it is devoted to the development problems, potentials, and plans of particular countries. The few attempts at general theories are mainly efforts to decide what really should be done, or to determine the proper proportions of economics, political science, sociology, social psychology, anthropology, theory of history, and other "ologies" in any attempt to generalize about economic development.

In short, we are not yet at the stage of widespread agreement as

to the proper scope and method of research on economic development, or on the objectives of development planning and the role of the economist in the process. The present paper seeks to contribute to the resolution of divergences of opinion by defining more narrowly the goals of economic development and the role of the economist in achieving them. In so doing I hope also to throw some light on the broader question of the scope and method appropriate to a general theory of economic development.

Objectives of Economic Development

A complete development plan has the following main components: first, a capital budget, comprising public investment projects of a developmental nature; second, what might be termed a "human investment budget," covering government expenditures not usually regarded as capital outlays but contributing to economic and social development (education, manpower training, health, and the like); third, a program of legislation and regulation governing the activities of private individuals, enterprises, and institutions, intended to redirect, guide, and encourage these activities in a manner contributing to economic and social development, including proposals for new institutions, or for the reorganization of old ones, intended to facilitate the execution of measures included in the plan.

Each of these three major components of a plan involves decisions affecting the allocation of resources, human and material. To make wise decisions of this kind, and to test a plan against results, the objective must be clear and cast in concrete terms—if possible, in terms that submit to measurement.

Economic policy in general is concerned with the production of goods and services, including leisure, and is directed toward assuring an allocation of resources that will maximize the flow of these goods and services. Current economic policy is concerned with maximizing the flow at each point of time with given resources, techniques, and institutions. By analogy we might say that economic *development* policy is concerned with maximizing the *rate*

of increase in this flow as times goes by. It is necessary to distinguish here between production and productivity. Total production can be increased, within limits, by the simple device of lengthening the working week, but such an increase in total output is not necessarily economic progress. Similarly, production can be increased by increasing the ratio of the active labor force to the total population, but it is doubtful whether such increases in output can properly be considered "economic development."

In any event, choices between higher material standards of living and more leisure should be made by the people themselves. The planners' role stops with indicating the nature of the choice to be made. The choice, however, cannot be made by each individual separately but must be made collectively, by family units, trade unions, employers' associations, and in some cases, where the whole society is involved, by the people as a whole through their government.

Also the choice between a higher level of current consumption and a more rapid rate of economic progress is one to be made by the people concerned. Here, too, discontinuities appear. Half a railway is useless; power plants, blast furnaces, or refineries below a certain size are too inefficient to be worth developing; even irrigation projects below a certain scale may not be worth while. A certain minimum volume of saving is necessary before significant economic progress can be made. This choice, like the choice between material income and leisure, must be made collectively.

As productivity rises it may be translated into a higher level of per capita income, or into a larger number of children per member of the labor force. This choice also is for the people themselves to make, and it too cannot be left entirely to individuals, since the wishes of some individuals or groups can be thwarted by the decisions of others. If some people have more children than they can support, the rest of the community usually feels obliged to take care of them, through private or group charity or through the government. In this manner the income that would otherwise have gone toward swelling the stream of saving

and accelerating the rate of economic progress will go instead toward supporting a larger population, in defiance of the wishes of those who prefer smaller families and more rapid progress.

Thus while an economic development plan seeks to raise per capita production as quickly as possible, it is not a matter of indifference how this increased output is attained. Per capita income can be raised if people work harder and longer, if they save larger shares of their income and thereby release resources for investment projects, and if they restrict the size of their families. But increases in output achieved in these ways are assuredly "progress" only if the gains outweigh the sacrifices in the view of the people concerned.

Measuring Economic Development

The overall goal of an economic development plan, then, is to maximize the rate of increase in production while giving due weight to other desires of the community which conflict with such expansion.

A conceptually simple measure of success in this endeavor would be the trend of gross national income at constant prices. There are, of course, statistical difficulties involved. Measuring national income is itself a complex task in underdeveloped countries, and determining the proper "deflators" to eliminate the effects of price changes is a ticklish operation. The elimination of cyclical fluctuations in order to get a picture of the actual trend is also a statistical operation of some complexity. These problems, however, are not insoluble. A more fundamental inadequacy of national-income trends as a measure of economic progress is that national income in itself tells little about the standard of living of the people. A rising national income might reflect rapid population growth while the standard of living was actually falling. Income or output per capita is accordingly a better measure.

But, as indicated above, changes in per capita income may result from changes in the length of the working week or in the ratio of labor force to total population. Therefore adjustments

must be made for such changes. One way of making these adjustments is to concentrate on the increase in productivity per man-hour. Reducing the increase in output to manhour terms automatically eliminates the effects on output of increases in total population, in the ratio of the labor force to total population, and in the length of the working week.

Strictly speaking, economic development consists not in raising productivity per manhour alone, but in raising productivity per unit of factor of production used. Let total output be represented by O , the size of the total labor force (employed or unemployed) by N , the quantity of natural resources used ("land") by L , the amount of plant and equipment used ("capital") by C . For convenience we can subsume risk-taking under C and management under N . Then $O = F(N, L, C)$, where F is the production function. The factors of production can always be so defined as to make this function linear and homogeneous, with the result that

$$O = N \cdot dO/dN + L \cdot dO/dL + C \cdot dO/dC$$

Economic development can then be defined as an increase in F , or an improvement in the ratio $N:L:C$ at full employment. With optimal proportions and full employment the rate of economic progress reduces to dF/dt , where t is time.¹

Given the data, the time, and the skill, it would be possible to make econometric studies to measure both F and dF/dt . In practice, however, especially in underdeveloped countries where data are incomplete and facilities for econometric research limited, so complex a concept and measure of economic development is inconvenient. The rate of increase in productivity per manhour, $d/dt(O/N)$, is the simplest close approximation to the combined effects of dF/dt and improved factor proportions.

Are there no conditions under which an increase in productivity

¹ This definition makes the "rate of economic progress" tantamount to the "rate of innovation" in Schumpeter's sense, plus the rate at which the optimal proportion of factors is reached (with "full employment" of all factors). With "full employment" and an optimal combination of factors, economic development consists only in Schumpeterian innovation.

per manhour would not reflect true economic progress? One might conceive of two sets of conditions.

First, productivity per manhour might be raised by accelerating the depletion of natural resources: what may appear at first sight as an increase in F may really be an increase in L . But this problem is merely an accounting one; it is only necessary to deduct from total output the value of the resources used up, so as to get a "net" figure for output, or to add to N an estimate of the man-hours "embodied" in the resources used up. Moreover, while resource conservation should not be ignored by development planners, the resources used up in any period should probably not be valued much above their market price, which is already deducted from net production as a cost. Given a rapid rate of technological progress, means of replacing depleted resources are usually forthcoming.

Second, under a strong dictator manhour productivity might be made to rise by forcing a rate of domestic capital accumulation far in excess of the wishes of the people: what looks like an increase in F , or improved factor proportions, may be an excessive increase in C , through forced saving. Much of what has passed for economic progress in the past has taken precisely this form, but it is doubtful whether capital accumulation through enforced sacrifice of current consumption warrants the term "progress." Where saving is voluntary the problem does not arise. In any case, the consumer goods sacrificed through capital accumulation constitute a deduction from total output, which offsets the increased production of capital goods through saving and investment. If one wanted to be strictly accurate in one's measurement of productivity, one could (conceptually) discount the value of capital goods produced at an appropriate rate of interest, reflecting the marginal rate of "time preference" of the community as a whole. This calculation would be necessary only when the discount rate applied by the purchasers (who may be government agencies) in evaluating capital goods is too low.

Of course depreciation, imports, and the service on foreign debt

should be deducted from gross output in calculating output per manhour—in line with standard social-accounting practice.

With these adjustments, an increase in productivity per manhour always reflects either a rise in F or improved factor proportions, and can therefore be accepted as a measure of economic progress.

Some development planners have argued that plans should be based on maximizing the productivity of the *scarce* factor. This argument is based on a double confusion: between average and marginal productivity; and between the selection of the optimal point on an isopod of the production function (optimal combination of factors) and policies to raise the whole function. In determining the optimal combination of factors the relative abundance or scarcity of factors must be considered, and larger proportions of the abundant, cheap factor should be used wherever possible. The selection of a maximum *rate of increase* in productivity per manhour as the objective of economic development *does not mean* that the appropriate aim of current policy is to maximize the *marginal* productivity of labor *at each point of time*. But economic progress cannot take place without a rise in output per manhour at some point on the cross section of the production function relating total output to manhours worked.

Suppose that the original range of relevant production alternatives is as shown in the accompanying table. Suppose further that the society prefers working 100 hours for 1,000 units of output to working 120 hours for 1,140 units. Now assume that a new technique is introduced which permits the production of 1,170 units in 120 hours, and that this situation is preferred to the original one. This change will represent economic progress, even though output per manhour is only 9.75 in the new situation as compared to 10 in the old; productivity per manhour has risen, and also F , at least for the range of the production function between 100 hours and 120 hours. This possibility (on the whole rather unlikely) means that when hours worked and output rise together (or output and the ratio of gainfully occupied to total

HYPOTHETICAL PRODUCTIVITY, BEFORE AND AFTER INNOVATION

Man-hours	Original Product			Product with New Technique		
	Total	Average	Marginal	Total	Average	Marginal
90	9,225.0	10.25	9,270	10.30	...
100 ^a	1,000.0	10.00	77.5	1,200	10.20	730
110	1,073.5	9.75	73.5	1,100	10.00	100
120 ^b	1,140.0	9.50	56.5	1,170	9.75	70

^a Original preferred position.

^b Preferred position after introduction of new technique.

population and labor force) but output per manhour fails to rise, we can never be *absolutely* sure whether or not economic progress has taken place. We would need to know what the product per manhour would have been before, at the new level of hours, or the new ratio of gainfully occupied labor force. Such cases will be rare, however, and whenever output rises without a rise in output per manhour as well, a strong suspicion that no progress has taken place is justified.

The argument against maximizing output per unit of scarce factor can be put another way. Assuming that the optimal combination of factors is continuously achieved, it is productivity per unit of the *abundant* factor that must be maximized. Total output can be expressed as output-per-unit of any factor, multiplied by the number of units of that factor; that is mere arithmetic. But if we divide total output into one part O_c , which is produced by workers (N_c) in optimal combination with capital, and another part O_s , which is produced by the remaining labor supply with little or no capital,² it is clear that $O_c/N_c + O_s/N_s$ will always exceed O_c/N_c so long as capital is scarce relative to

² This division of the labor force is a highly realistic one for underdeveloped areas. See R. S. Eckaus, "Factor Proportions in Underdeveloped Areas," in *American Economic Review*, vol. 45 (September 1955); also Benjamin Higgins, "The 'Dualistic Theory' of Underdeveloped Areas," in *Ekonomi dan Keuangan Indonesia*, Tahun Ke 8, No. 2 (February 1955), reprinted in *Economic Development and Cultural Change* (January 1956).

labor. Thus maximizing output per unit of capital alone, in the optimal combination, will not maximize total product; but maximizing the output per unit of labor, with as much labor used in optimal combination with capital as the available capital supply permits, will maximize output.

The question may also be considered in terms of the importance in the development plan of increasing the *supply* of the factor. We may write $F = N \cdot O_n$. To maximize F , by a variable plan which we may call P (and which may be quantified in terms of investment, say), we arrive at

$$DF/dP = O = N \cdot dO_n/dP + O_n \cdot dN/dP$$

But dN/dP may be regarded as zero; it is no part of the plan to maximize the size of the labor force as such. The size of the labor force depends on the level of the population and the ratio of gainfully occupied to population. Changing the proportion of the population in the labor force is not one of the accepted goals of economic development, although reducing it (by raising school-learning ages or lowering retirement ages) may be a goal of social development. If the "plan" seeks to affect the level of population or of the labor force, it will do so not for the sake of the change itself, but for its effect on productivity. Thus maximizing F reduces to maximizing productivity per manhour.

In the basic equation either O_c or O_n may be substituted for O_n and the equation will still hold. But in the maximization equation the result is different, for the terms $O_n \cdot dL/dP$ and $O_c \cdot dC/dP$ are not insignificant. Increasing the rate of discovery of new natural resources, or accelerating capital accumulation, may very well be part of the plan. Discovery of resources or capital accumulation may be a prerequisite to the improvements in technique (increase in F) which constitute the core of economic progress. Thus maximizing F cannot be reduced to maximizing the productivity per unit of land or per unit of capital. A still simpler way of putting the argument is to say that where land and capital are scarce relative to the existing labor supply, the

"plan" should include increasing the supply of land and capital; but increasing the supply of *labor* in order to raise productivity per unit of capital or per acre would be sheer nonsense—or a gift to vested interests.

Unfortunately, measurement of the increase in manhour productivity carries with it a conceptual and statistical difficulty of its own. An important part of development planning is the absorption of unemployment, disguised or overt; it is the increase in output per manhour in the *total labor force* that must be maximized. But how does one measure the "total labor force" in an underdeveloped country? How does one determine the volume of disguised unemployment which should be considered part of the "labor force" and which a good development plan would bring into full employment? Having determined the labor force in numbers of persons, how should it be converted into manhours? Where statutory regulations exist, governing the length of the working week, paid vacations, and the like, one might accept the statutes as a basis for this conversion. But labor regulations are themselves a matter of policy, and decisions concerning them might be considered part of the plan.

As a matter of practical procedure it may therefore be easier in some countries to use per capita income as a measure of economic progress—with suitable adjustments for changes in the working week, in the ratio of gainfully occupied to labor force, and the like—than to use increase in manhour productivity and calculate the size of the total labor force in manhours. In any case there is no reason why any set of planning authorities should not try both; if the two methods give roughly the same result the authorities can be confident that they have a reasonably good picture of the overall rate of economic progress.

Types of Development Planning

This attempt to pin down the overall objectives of economic development, and the means of measuring it, provides several clues to the source of economists' present discomfort regarding

their role in development planning, and of their disagreement as to the scope and method both of development planning and of a general theory of economic development. In the development field one is immediately confronted with problems of choice involving discontinuities rather than marginal changes—choices which cannot be made individually, in which “external” costs and benefits may be of paramount importance, and which are “non-economic” in the sense that they relate to fundamental social values rather than to choices among goods, services, and leisure. To some extent the same is true of all welfare economics; but the economics of development is distinguished by the overwhelming importance of the choices which must be made by large groups rather than by individuals; which must be made in terms of “lumps,” “jumps,” or structural changes rather than marginal adjustment; and which may involve fundamental changes in social organization and perhaps even in social philosophy. Small wonder that the economist, trained to attack policy problems through a “calculus” composed of marginal choices and marginal adjustments, and to rely heavily on the guidance provided by the market, soon finds himself beyond his depth.

Faced with problems that cannot be solved with the tools provided in the standard kit, economists tend to become defeatist and to argue that they should “confine themselves” to one or another aspect of development planning. Several suggestions have been made, with widely varying implications: the economist should limit himself to “trouble shooting,” pointing out obvious mistakes in policy; he should be content with “project planning,” recommending at each stage a few specific projects of obviously high priority; he should confine himself to broad aggregative questions, including questions of structural change, which can be subsumed under the heading of “sectoral planning”; he should concentrate on “target planning,” selecting a few broad targets (such as the rate of absorption of disguised unemployment or the rate of increase in the ratio of industrial to agricultural employment) and suggesting means of achieving them.

Each of these types of planning has its merits. Indeed, it is doubtful whether efficient planning can ignore any of them.

TROUBLE SHOOTING

In many underdeveloped countries, growth is hampered by bad monetary, fiscal, and foreign-trade policies, by monopolies that have no offsetting advantages in terms of the efficiency of large-scale production, by ineffective marketing methods, visibly disproportionate development of various related sectors, and the like. A well trained Western economist with some experience in policy formation at home can sometimes help to remove such barriers to development. Such "trouble shooting" is certainly part of the economic planner's function. Obviously, however, not all the "trouble" is economic; engineers, manpower-training experts, public-health experts, and other technicians also have their place on a development planning team, even if the team's activities are confined to "trouble shooting." Also, one cannot transplant, without modifications, policies and institutions designed for industrially advanced countries; and no more serious mistake could be made than to underestimate the ability of people in underdeveloped countries to do their own trouble shooting.

PROJECT PLANNING

In the context of a particular underdeveloped country at a particular time, the temptation to "confine oneself" to project planning is certainly a strong one. There are usually a few projects so pressing as to be of very high priority, and the planner feels that at least he will do no harm in recommending that they be carried out, and making suggestions for their financing, timing, and organization. But unfortunately, while the economic-development planner may do little harm in limiting himself in this fashion, he also does little good. Ultimately any plan must be reduced to specific projects; but the really difficult problem is to determine the optimal nature and pace of structural change in an economy. The governments themselves, with their own regular officials, can usually discern a few high-priority projects. Moreover, the economist is seldom the most useful technician in the

planning of specific projects: the engineers, agriculturalists, manpower-training experts, and so on are likely to be more effective. On the other hand, this argument should not be pushed too far. There is something in the economist's training that makes him more prone than other technicians to think *simultaneously* in terms of alternative means and alternative ends, a faculty that is very useful even in "project planning."

SECTORAL PLANNING

The concept of "sectoral planning" seems to vary considerably from one economist to another, with accompanying differences in degree of ambitiousness. For some economists "sectoral planning" seems to mean essentially a forecast, based on a type of input-output analysis or linear programming, given some assumed "target" rate of growth of the entire economy. For others it means also making recommendations as to the relative rates at which various sectors of the economy should grow, presumably with additional recommendations as to how this growth is to be achieved. Others would suggest a combination of these two things, with projections in sectors where the plan calls only for "steady growth," combined with planned and discontinuous structural change in "development" sectors. This approach to development planning is usually attractive to economists whose interest is in aggregative economics, or in the econometrically derived *tableaux économiques* involved in input-output analysis. Certainly, sectoral planning involves some of the most basic problems of economic development, such as the desirable rate and form of industrialization.

TARGET PLANNING

The "five-year plans" associated with Soviet bloc countries, and some of the postwar reconstruction plans in Western Europe, are not stated only in terms of public investment projects, technical assistance, manpower training, new regulations and institutions, and the like, but include quantitative production "targets": so many more tons of coal and steel, so many kilowatts of additional power capacity, so many miles of road or railway, so many tons of

cereal, so many dollars' worth of additional exports, and so on. The present development plan of the Philippines is also of this nature. While "multiple target" planning may lose sight of the ultimate goal of raising productivity in the economy as a whole, it may nevertheless provide useful gauges of the success of the development program, and focal points for public discussion. It may also provide indications as to whether or not past rates of growth will continue. A development program may succeed in raising overall manhour productivity and yet be inadequate, because certain strategic sectors of the program fail to share proportionately in the progress. It is always a bit dangerous to use any single average to measure the effectiveness of economic policy; the average may hide an over-concentration in some fields and a neglect of other important sectors which could retard progress at a later date.

In order to avoid unwarranted satisfaction with an increase in productivity of the economy as a whole, it may be worth while to lay down additional sub-targets in quantitative terms, such as a target for the rate of absorption of disguised unemployment; a target for approach to equilibrium in the overall budget and balance-of-payments position; a target for achieving self-sufficiency in foodstuffs; a target for industrial production; a target for capital accumulation; a target for transfer of population from agriculture to industry; a target for resettlement of population; a target for manpower training.

With these individual and quantitatively determined "targets" as a check on the effectiveness of the development program, in addition to measurements of changes in per capita income and in manhour productivity as a whole, the planners, the government, and the general public should be well informed of the progress of the economy.

Planning in the Different Phases of Economic Development

All of these aspects of development planning have their proper role. Their relative importance varies considerably, however,

with the stage of economic development. Professor Adolph Lowe has suggested to the author that these types of planning are not rival sets of rules for planners to follow, but aspects of an overall planning process, of varying significance in successive phases of economic growth. The remainder of this section is essentially a systematic elaboration of this seminal idea.

ADVANCED COUNTRIES

The economist's task in advising on development policy is simplest in countries that are already industrially advanced. Here the aim is "steady growth," and the maintenance of full employment without inflation is itself an almost sure guarantee of such growth. The economist may also discern possibilities for improving the allocation of resources; but no "lumpy," discontinuous, or rapid structural changes are required. The usual kind of economic calculus can be applied, comparing marginal (social) costs with marginal (social) benefits. The economist is on familiar ground, dealing with monetary, fiscal, foreign-trade, and anti-monopoly policy. He may also collaborate with engineers, public-health experts, architects, town planners, agriculturalists, and the like, in planning specific projects in the public sector and in devising regulations to direct investment in the private sector.

In short, in advanced economies the economist can afford to confine himself to "trouble shooting" and "project planning." The whole planning process is essentially a matter of "patching the market," leaving the broader policy issues to be decided at the polls. Since the market process and its defects are something the economist understands, he usually feels fairly comfortable in doing this kind of planning.

UNDERDEVELOPED BUT DEVELOPING COUNTRIES

There are a few countries whose low per capita incomes place them in the "underdeveloped" category, although industrialization and agricultural improvement are taking place at a rate high enough to raise per capita incomes. Argentina, Brazil, Burma, Colombia, Chile, Venezuela, Turkey, Italy, and India seem to be in this category. These countries—by definition—have enough

domestic savings and taxes, plus assured foreign capital assistance, to finance the capital formation needed to raise incomes. At the same time they are confronted with bottlenecks—capital-goods supply, skilled labor, managerial and technical skills—and with laggard sectors of the economy, which limit the rate of growth and make planning necessary.

In these countries development planning must be more than "patching the market." The market and the polls do not provide sufficient guidance for the required structural adjustments, especially in the laggard sectors. Nor are the required adjustments strictly marginal. "Trouble shooting" is useful and indeed necessary; growth can still be hampered by inappropriate monetary, fiscal, and foreign-trade policies. The economist can be of assistance in preparing projects in the public sector and in devising regulations to control and direct private investment projects. But trouble shooting plus project planning is no longer enough. In such countries growth itself must be "managed," and "sectoral planning" is necessary. The relative rates at which heavy industry, light industry, agricultural improvement, transport and communications, housing, and the like, are to be pushed becomes a matter of conscious policy. It will usually be found helpful to break down overall objectives into specific "targets."

The Italian ten-year plan might be regarded as an example of planning for this phase of development. It postulates a certain "target" rate of absorption of disguised unemployment, in addition to absorption of the current growth of the labor force, through expansion of the economy. The required rate of overall expansion is then "projected" to various sectors; current growth points the way to future development. But mere expansion, without structural change, is not enough; in the stagnant South a discontinuous change in structure is a necessary adjunct of development, and must be provided for in the plan. For this purpose, and also to provide the basic stimulus for balanced growth in the private sector, the plan includes government development projects in various "impulse sectors," such as transport, communi-

cations, land reclamation, irrigation, and the like. Thus the public-investment aspect of the plan involves both "sectoral planning" and "project planning." In the Italian plan, residential housing is the countercyclical balance wheel.

Other countries in this category may need more rapid structural change than Italy does, judging from Italy's present plan. In that event the development plan must rely less on statistical projections, based on broad "targets," and must include a larger component of "sectoral planning." But all countries in this category will need all aspects of planning: "trouble shooting," project planning, sectoral planning, and target planning.

Planning of this kind still involves a calculus, entailing cost-benefit comparisons, but it is no longer a purely marginal calculus, at least not for the more rapidly developing sectors of the economy. Questions arise such as "should we concentrate on accelerating industrialization in the North, building there such things as power plants and roads and transferring population from the South, or should we concentrate on agricultural improvements and small industry in the South, with irrigation, drainage schemes, and so on?" Here the usual type of economic calculus is insufficient. The choice involves questions of discontinuous change; and one wants to know not only the direct cost-benefit ratios of the two alternative programs, but also the relative "demonstration effects," the influence on attitudes toward enterprise and technical change, attitudes toward work and leisure, and the like.

The economist might claim that while this kind of calculus requires knowledge of a sort different from that needed for a marginal cost-benefit calculation, it is not so different as to disqualify him as a member of the planning team concerned with such decisions. Indeed, the discontinuities in this phase of development, since they are limited in size and scope, can usually be reduced to decisions on rates of *acceleration* of trends already under way. Such planning means only looking at second derivatives instead of first derivatives, and market data can still provide a useful guide to development policy.

UNDERDEVELOPED AND STAGNANT OR DECLINING COUNTRIES

The real problems, both practical and theoretical, arise in countries where per capita income is stationary or falling, or rising so slowly, and from so low a level, that there is no hope of growth becoming cumulative without a transformation of the economy. Here the task is not merely to sustain or direct growth already under way, but to *launch* a process of growth that can become cumulative at some level of per capita income. The barriers to economic progress in these countries are forbidding, and nothing but a development program so big and so bold as to assume the aspect of a "shock treatment" seems likely to succeed.³ Structural change is the most important aspect of development, and the required changes—if output is to outrun population growth long enough to bring fundamental changes in behavior patterns, and thus get the economy "over the hump" where cumulative growth becomes possible—are of too discontinuous a nature to be treated as an acceleration of existing movements. For such economies "sectoral planning" is much the most important aspect of development planning.

For sectoral planning of the sort needed in these countries, however, the domestic market no longer provides any guidance whatever. It is not a matter of estimating the cost-benefit ratios of a 10 percent or even 50 percent expansion of an existing industry during a period when per capita incomes rise by, say, 20 percent. It is a matter of estimating cost-benefit ratios of sudden increases in output ranging from several hundred percent to infinity, with no previous experience, while national incomes double or treble. The very nature of the problem forbids a step-by-step, trial-and-error approach. It is a question of developing that river valley, with its integrated complex of power, aluminum, fertilizer, and irrigation projects, or not; the cost of one such complex of projects may absorb a country's entire capital

³ See Benjamin Higgins, "The 'Dualistic Theory' . . ." (cited above, note 2), and "Economic Development of Underdeveloped Areas: Past and Present," in *Ekonomi dan Keuangan Indonesia*, Tahun Ke 7, No. 12 (December 1954), reprinted in a shorter version in *Land Economics* (August 1955).

budget for several years. Both the scope and the scale of investment must be planned, and decisions on both scope and scale must involve discontinuities. The other aspects of planning will still be present, of course, but they will be relatively easy. Once the sector plan is made, translation into specific projects, or recasting in terms of targets, will not be too difficult. "Trouble shooting" will still be necessary, but will not be different in *kind* from trouble shooting in the two more advanced phases.

Not only are the crucial sectoral planning decisions non-marginal; they also involve an admixture of economics, engineering, and other social sciences. The required changes in economic structure are so great that they are unattainable without changes in social structure as well. Much depends, too, on what is technically possible. Many of the most crucial decisions arise in forms that do not lend themselves to traditional economic analysis at all. Should a direct attack be made on the "undivided family," which so seriously dilutes incentives to work harder or better, to save, to risk capital, or to limit the size of individual families, or will industrialization and urbanization automatically break down the undivided family? In resettling people in new areas, should young, childless couples be selected, in order to use the resettlement program as an attack on the undivided family, or must the whole undivided family, or even the whole village, be moved as a unit? Can industrialization take place within the village structure, in order to avoid the high cost in social capital and the social disruption involved in urbanization? Can technological improvements be found that will raise output per man-hour without raising the ratio of capital to labor? How can the willingness to save, pay taxes, or attract foreign capital be increased? Will university training in business administration or industrial management break down reluctance of the elite to become industrial entrepreneurs? If so, will emphasis on a combination of engineering and economics training be most effective in producing the requisite type of manager, or is it better to stress accounting, which exerts its own discipline on the student

and compels him to manage his business in terms of a rational calculus?

Faced with questions such as these, the Western economist who finds himself assisting the government of an underdeveloped country with its development planning finds little in his specialized training to help him, and is liable to flounder. The market provides little or no guidance. The direction that might be obtained from periodic elections is too little and too late. It is doubtful whether any "trigger projects," or even "trigger sectors," can be isolated. What to do?

One field of recent experience may provide some guidance: the planning of "total war." The rapid wartime expansion of the defense sector of various economies from, say, 5 percent to 50 percent of gross national product involved considerable structural change, as well as rapid absorption of unemployment. The process required breaking a succession of critical bottlenecks. Market criteria were thrown to the winds in determining the size of the defense sector, in allocating resources within the defense sector, and to some extent even in allocating resources within the civilian sector. The pace of transformation involved an excess of public and private investment over taxes plus *ex ante* savings, thus creating inflationary pressure that had to be offset by loan campaigns, tax increases, price controls and rationing, direct controls over resource allocation—the whole apparatus of the "dis-equilibrium economy."

In short, planning total war, like planning the development of poor and stagnant economies, involves marked and discontinuous structural changes, planning without reference to the market, and deliberate creation and subsequent mopping up of inflationary pressure. The present writer was for a short time engaged in wartime planning, and has been struck since by the similarity between the *nature* of the problem confronting economic planners during the war and that in underdeveloped countries now. While the same sense of bewilderment prevailed among wartime economic planners as now prevails among development planners, in

retrospect the economics of total war were not too badly handled. It is unfortunate that so few of the economists engaged in wartime planning have recorded their experiences in detail—failures as well as successes. Such records would be valuable now for the insight they would provide into problems of planning large-scale structural change without reference to the market.

On the other hand, the analogy should not be pushed too far. The objective of wartime planning was more easily understood and more widely accepted than the objective of development planning. The major belligerent powers began their preparations for war with considerable excess industrial capacity as well as unemployment. The unemployed included skilled workers, technicians, and managers as well as common labor. In terms of broad sectors—heavy industry, small industry, agriculture—the structural change was much less drastic than is required for economic development. Wartime economic planning is the closest thing in the recent experience of Western economists to the problem of development planning; it is worth reviewing for what help it may provide; but it will not in itself provide the key.

It seems clear that a new general theory is needed, different in kind from any received economic doctrine, and closer in terms of method to the work of Marx and Veblen than to that of Marshall or Keynes. For it must be a *social* theory, not a purely economic one, and it must be non-marginal in approach. It will have to analyze the behavior of strategic *groups*, rather than the behavior of individual consumers, entrepreneurs, and workers making marginal choices. It should concentrate largely on the causal forces involved in the *transition* from a stagnant to an expanding economy. A combing of historical materials from this specific point of view, an accumulation of "case studies" of particular countries, anthropological and sociological material, technological research, and theoretical or econometric "models" can all help, particularly if there is continuous cross-fertilization among the scientists using these different techniques.

Meanwhile the underdeveloped countries cannot await the per-

fection of such a theory. They must proceed as best they can, profiting from one another's mistakes and successes. For this purpose a more complete and uninhibited exchange of information among governments concerning the planning and execution of development programs, and a more continuous exchange of information and ideas between governments and scholars specializing in the development field, would help. New political institutions, such as more frequent use of the referendum, may also provide some guidance, in the absence of the direction provided by the market or by a well established general theory of economic and social development. But satisfactory solutions are unlikely to be found until the disease and its cure are well understood, not only by specialists but by large numbers of the general public directly concerned.

TOWARD INDIVISIBLE INTERNATIONAL LAW?

The Evolution of Soviet Doctrine

BY G. M. MASON

A FEW years ago a leading Soviet international lawyer, writing in the official Soviet legal journal, referred to contemporary international law as "the juridical form of coexistence of two worlds."¹ This formula, although too cryptic to serve as an adequate definition (which, by the way, it was not meant to be in the context), seems to imply a recognition of the thesis, long a controversial one in Soviet doctrine, that international law has a common existence and an equally binding power for socially heterogeneous systems. Indeed, more recently the same journal laid down this thesis as a basic canon: "Soviet science of international law is unanimous in recognizing the fact that, despite the existence of states belonging to two systems, contemporary international relations and the cooperation of states with different systems must be regulated by the same universally recognized norms of international law which are binding for all subjects of international law, no matter to which system they adhere."²

Whether or not taken at its face value, this statement is undoubtedly significant. It represents the outcome of a dispute that raged among Soviet international lawyers for many years, and it is the more interesting as there is undoubtedly a connection between changing Soviet attitudes toward the doctrine of universality of international law and toward the capitalist West in general. Indeed, it is possible that additional light may be thrown

¹ F. I. Kozhevnikov on "Some questions of international law in the light of Stalin's works on Marxism and linguistics," in *Sovetskoye Gosudarstvo i Pravo* (1951, no. 6) p. 33; this periodical is hereafter referred to as SGIP.

² Editorial on "Peaceful coexistence of two systems—the main foundation of contemporary international law," in SGIP (1952, no. 4) p. 7.

on each of these problems by a thoughtful analysis of the other. In attempting such analyses it must be borne in mind, however, that Soviet doctrines cannot be properly interpreted unless viewed in movement. Methodologically, the road traveled by Soviet international law is far more instructive than the state of affairs at each particular stage.³

I

The kaleidoscopic transformations suffered by Soviet doctrines of international law since the early 1920s have clearly stood in a functional relationship with the turnings and twistings of Soviet foreign policy. This seems to be recognized by both Soviet and non-Soviet analysts—the former by virtue of the Marxist premise of dialectical interaction of theory and practice,⁴ the latter on the strength of one or another set of explanations of Soviet motivation.⁵ There has been no complete parallelism, however, between

³ In fact, static analyses of Soviet doctrines in this, and for that matter in any other, field are somewhat like astronomic measurements of a distant star, reflecting only a past era in the history of the star. For instance, T. A. Taracouzio's *The Soviet Union and International Law* (New York 1935) was based almost exclusively on Korovin's theories—at a time when the latter's star had already faded considerably and was soon to disappear entirely for at least a decade. On the other hand, such conscientious studies are, though static, much less misleading than the sort of pseudo-scientific medleys of quotations from Marx, Engels, Lenin, Stalin, Vishinsky, Malenkov, and the rest, in which the development, the struggle, and the periodization of Soviet doctrines are completely ignored. The only thing that can be said in favor of this latter method is that one can prove almost anything by it. This is why it is found equally useful by Soviet writers, in manipulating quotations out of context to prove the continuity of Soviet peaceful intentions, and by some anti-Soviet writers who do the same to prove the opposite.

⁴ For a Marxist, theoretical maxims are supposed to represent rational abstractions from empirical observations, accumulated directly or by proxy (history, experience of others). These "reflections of the historical process in an abstract and theoretically consistent form" (Engels) must be tested by practice, after which, if proved correct, they permit a dialectical "leap" into wider and deeper knowledge. Thus the process of elaboration of theory is seen as a cyclical—but onward—movement, from practice to cognition, again to practice and again to cognition, each time at a higher stage.

⁵ Western observers explain Soviet theories of international law as the result of a conscious subjection of theoretical aspirations to concrete political necessities (Taracouzio, *op. cit.*, p. 47; Yvo Lapenna, *Conceptions soviétiques de droit international public*, Paris 1954, p. 19); as the "justification which [the Soviets] supply for their

the lines of development of Soviet foreign policies and those of doctrines of international law. The direct relationship has been there, but it has been highly complicated by secondary and yet powerful factors extraneous to the main relationship. The most that can be said is that the two paths of development have displayed the same "secular trend."

The road traveled by Soviet theory and practice of coexistence has been largely determined by the fluctuations of two counter-acting "optimisms" which have affected the Soviet leadership: optimism concerning communist Russia's prospects versus optimism concerning European and world revolution. The "coexistence curve" started from the zero point in 1918, when the world revolution was considered by Russian communists to be imminent, while the prospects of the Russian "Commune" surviving without the aid of a European or at least German revolution were held to be nil. It continued in a broken but steadily upward line through different stages of Soviet Russia's development, reflecting on the one hand the increasing belief in the possibility, first, of survival, then of successful completion of "socialism in one country," and on the other the series of communist debacles in European countries which shattered all illusions concerning their possible role as saviors of communist Russia—with the ensuing *capitis diminutio* for the Comintern.

The Soviet doctrine of international law started at the same zero point and traveled in the same direction. Its actual "curve" seemed rather erratic, however, and was brought in line with the official foreign policies only at intervals, through sharp official reprimands and shifts in the "management."

One of the factors that contributed to the marked discrepancies between the "coexistence curve" and that of international-law doctrines can be found in the fact that the latter were not the

own attitudes" (Jean-Yves Calvez, *Droit international et souveraineté en URSS*, Paris 1953, p. 260); as a means of influencing world public opinion (J. N. Hazard, "The Soviet Union and International Law," in *Soviet Studies*, vol. 1, no. 3, 1950); or as an instrument in the political struggle (Hans Kelsen, *The Communist Theory of Law*, New York 1955, p. 193).

direct concern of the supreme leaders: they were secondary so far as the relationship between theory and government action was concerned. The process leading from theory to action and vice versa was not so clearcut here as it was, for instance, in foreign policy or industrialization or collectivization—fields where theory and practice were elaborated by the same supreme leaders. There the sequence was simple. The leaders both promulgated the doctrine and applied it in practice. If the results proved unsatisfactory they either revised the old doctrine (directly or by reemphasis) or were replaced by new leaders, with a new doctrine. In those probably not infrequent cases when Soviet policies were charted more or less pragmatically, without benefit of theoretical constructions, the validation was supplied *ex post facto*, as a dialectical rationalization.

The process was much more complex in disciplines of secondary significance, where the relationship between theory and supreme government action was not direct, that is, where theory was elaborated by a set of specialists on an academic level, while policy-makers proceeded on the basis of their own general theoretical maxims and noticed the discrepancy between their action and the academicians' theories only when they needed an auxiliary theory and it wasn't there, or when the discrepancy became too striking. An example is Stalin's excursion into the field of linguistics. And the same processes could be found in the general field of law. Although both Pashukanis and Vishinsky combined the role of philosopher of law with high position in the party and in the government hierarchy, they clearly remained only executors of a higher will as far as policies were concerned. Their doctrines of law were expected to fit the policies established by the Politburo on the basis of its own theoretical premises, rather than to serve as guides for those policies.

In the particular case of international law the situation was further complicated by the fact that to some extent this was a "tertiary" discipline, inasmuch as it was a branch of the general discipline of law (itself a secondary one) and at each stage had

to keep within the binding precepts prevailing therein. More often than not, guiding lines and definitions for international law were laid down by non-specialists (in the stricter meaning of the term), who were interested not in the inner consistency of the theory of international law as such but rather in a formal adaptation of given definitions to the prevailing Soviet legal philosophy and to the policies being pursued by the Soviet Foreign Office.

II

The influence of these factors has to be taken into account in order to gain a proper insight into the actual significance of the Soviet theories of international law that prevailed at different stages. When these "corrections" are kept in mind, even the revolutionary beginning of Soviet doctrine of international law, Korovin's "International Law of the Transition Period,"⁶ appears in a somewhat new light. Inasmuch as Korovin dealt with the subject in Marxist terms and applied phraseology conditioned by the new revolutionary "slang," he sounded to Western observers like a destroyer of classical doctrines. They noticed only the new and unorthodox definitions of international law and state sovereignty, in terms of classes, class struggle, balance of power, and self-determination of peoples, while the basic feature of Korovin's theory—the recognition of a new and specific international law between states and systems of states with different social foundations—remained in obscurity. And yet, if there was anything genuinely "revolutionary" in Korovin's theory, this was it. In any case, this part of his theory was highly unorthodox from the point of view of Soviet Marxism as taught in Russia at the time. Indeed, in the Russia of the 1920s Korovin's "International Law of the Transition Period" sounded very much like a partial return to old pre-revolutionary precepts.

⁶ E. Korovin, *Mezhdunarodnoye Pravo Perekhodnogo Vremeni* (Moscow 1924). Subsequent references to Korovin are to this work, except where specifically indicated otherwise.

The Bolshevik revolution had made a clean sweep in the field of law, especially thorough as far as international law was concerned. "The spirit of Soviet law in these first years was . . . a spirit of nihilism and of apocalypticism—of ruthless destruction of pre-revolutionary law and of glorious transition to a new order of equality and freedom without law."⁷ As long as the creation of the proletarian dictatorship was supposed to be the beginning of the "withering away" of the state, the "government of persons" being replaced by "the administration of things and the direction of the processes of production" (Engels), there was no place for international law, which deals primarily with relations between states. As long as the world revolution was expected to come to the rescue of the embattled Russian Commune, and "diplomatic intercourse" with revolutionary parties bent on the overthrow of the existing governments in the West appeared more important than diplomatic relations with those governments,⁸ there was no place for state sovereignty. As late as 1924, at a time when Stalin developed his interpretation of the basic tenets of Leninism in a series of lectures before audiences of the Communist (Sverdlov) University in Moscow—and thereby, less than three months after Lenin's death, made an open bid for supreme leadership in the field of Marxist theory—the program of law studies in that university pointedly excluded international law and provided for the "need to destroy pitilessly the theory of state and national sovereignty, in all its historical configurations, from Bodin and Hobbes through Rousseau and Montesquieu, to Jellinek, the Mensheviks, and the socialist revolutionaries."⁹

P. Stuchka, the leading legal philosopher of the period, and by no means the most radical one, also treated the problem of international law in a rather cavalier fashion. Taking as his point of departure the general definition of law which the Collegium of the Peoples' Commissariat of Justice established in 1919,

⁷ Harold J. Berman, *Justice in Russia* (Cambridge, Mass., 1950) p. 24.

⁸ E. H. Carr, *The Bolshevik Revolution, 1917-1923*, vol. 3 (London 1953) p. 17.

⁹ V. L. Verger, *Pravo i Gosudarstvo Perekhodnogo Vremeni*, textbook of the Communist (Sverdlov) University (Moscow 1924) p. 200.

and which he considered to be still valid in 1924,¹⁰ Stuchka maintained (pp. 43 ff.) that it left "a very small area for international law," international relations being a mere factual relationship—"un simple fait" (Duguit)—and anyhow representing "civil war on a world scale."

Korovin rejected this nihilism: "One cannot brush away [international law] by simple negation, by relegating, with one sweep of the pen, the whole complex of norms of contemporary international law into the archives of bourgeois anachronisms" (p. 6). In fact, with the appearance of the Soviet state, asserted Korovin, international law would regain the vitality it had lost in conditions of "imperialist stagnation," for it "has developed and continues to develop only when there is struggle and competition between international forces, when there is an 'interpower balance'" (p. 9). Here he supplied historical parallels: international law developed when barbaric monarchies faced Rome and one another; when the Empire struggled against the Pope; when the Reformation assaulted Catholicism; and so on.

In a characteristically dialectical construction Korovin then attempted to show that while the newly established balance of antagonistic powers represented the driving force in the development of international law, the content of this law was determined by the common interests of the two systems. Using the old Martens formula, he spoke of the community of "intellectual" and "material" interests. In the first field, in view of antagonistic ideologies, Korovin (p. 15) envisaged only limited "recognition of so-called universally humanitarian values, not specifically tied to a definite era and to a given political and social structure." But in the "material" field—that of trade, customs, currency, transport, and the like—he saw (p. 17) a much greater opportunity for the creation and growth of new socio-legal norms on the basis of a "more or less wide compromise."

¹⁰ "Law . . . is the system of social relations [Stuchka specified relations of production and commodity exchange] corresponding to the interests of the ruling class and protected by its organized might": P. Stuchka, *Revolutsionnaya Rol' Prava i Gosudarstva*, 3rd ed. (Moscow 1924) p. 3.

The appearance of Korovin's theory coincided with the NEP "return to legality." Furthermore, consciously or unconsciously, he made obvious concessions to the prevailing concepts and phraseology, and spoke in such terms as "transition period" and "compromise norms." It is hardly surprising, therefore, that his theory was sometimes interpreted (especially abroad) as part and parcel of the NEP ideology, on a par with contemporary pronouncements by Pashukanis, for instance.¹¹ But it was unfair to both to place Korovin and Pashukanis (even of 1924-25) in one theoretical group. The latter defined contemporary international law as "the form of temporary compromise between two antagonistic class systems"¹²—a thesis that reduced law to political expediency in a manner typical of leftist rationalizations of the NEP. Korovin, on the other hand, saw in the international law in existence between Soviet Russia and the capitalist world a point of departure for the growth of a new legal system, which would be based on businesslike intercourse, and hence on compromises, but which, as such, would reflect the common interest of the two worlds; that is, it would represent a monolithic legal superstructure over a heterogeneous economic basis.

There was indeed a basic difference between the compromise theories of law current during the period of the NEP and Korovin's "compromise" international law. The leading legal theoreticians of the NEP continued to view law as the emanation of capitalist relations, of a market economy; it was to disappear with the liquidation of classes and the "withering away" of the state. Even to Stuchka, who objected to the more radical denials of the existence of Soviet law, the latter was no more than "bourgeois law without a bourgeois society." As for Pashukanis, he recognized the existence of law only in a bourgeois society, and asserted that law continued to exist during the first phases of socialism only in so far as there remained "Shylock-like" forms

¹¹ See R. Schlesinger, *Soviet Legal Theory* (London 1945) p. 279.

¹² E. Pashukanis, in *Entsiklopediya Gosudarstva i Prava*, vol. 2 (Moscow 1925) p. 862.

of "equivalent" exchange.¹³ To the extent that a retreat was made from war communism to a semi-capitalist NEP, there was need for some form of civil law to regulate the bourgeois forms of life and the capitalist sectors of economy, but as soon as these remnants of the past disappeared, regulation of society *sine lege* would inevitably ensue.

Korovin objected to this theory in application to international law. In his course on international law given in Moscow University in 1925, he criticized the view that international law as a whole must disappear with the withering away of the state, and denied that Russia was only correcting bourgeois norms of international law instead of creating a new international legal system.¹⁴

In his "International Law of the Transition Period" Korovin envisaged not a temporary retreat, in the form of an adaptation of bourgeois norms as a matter of political expediency, but the beginning of "a new system of legal relationships," the creation of a "bridge between the bourgeois and socialist halves of humanity" (pp. 95, 136); the "bridge," formed through the creation of new norms of international law and the revival of old ones, would develop eventually into a system of socialist international law. He was thus a long step ahead of his contemporaries. In fact, he belonged ideologically to a much later period in Soviet history—to that of "coexistence," rather than to the reluctant compromises of the NEP or the voluntarist legal nihilism of the era of collectivization. This goes a long way toward explaining both the difficulties Korovin experienced in the 1930s and the fact that he survived the sharpest criticism without "organizational consequences" and reappeared in a position of scientific authority exactly at a time when the Soviet Union reached the stage of development which his theory so pointedly—although perhaps unconsciously—anticipated.

¹³ E. Pashukanis, *Obshchaya Teoriya Prava i Marxism*, 4th ed. (Moscow 1925) pp. 22 ff.

¹⁴ E. Korovin, *Souremennoye Mezhdunarodnoye Publichnoye Pravo* (Moscow 1926); the latter criticism was in reference to A. Sabanin, writing on "The Soviet power and international law," in *Mezhdunarodnaya Zhizn* (1922, no. 15).

Before he reached this point, however, great trials were in store for Korovin and his theory. In the early 1930s a great discussion took place in the Institute of Soviet Construction and Law attached to the Communist Academy (which until 1936 was separate from the Academy of Sciences of the USSR), in the Section of International Law of Moscow University, and in academic publications. Among others, Kozhevnikov then appeared on the horizon for the first time, as one of the most severe critics of Korovin's theories, largely on the basis of Pashukanis' theses.¹⁵ Blows and counter-blows were exchanged in this heated discussion, which encompassed the whole range of law but singled out international law as "the most backward sector." The results were summarized in a resolution approved by the Congress of Marxist Theoreticians of Law in 1931. Referring to international law, the resolution condemned both "bourgeois" (Grabar, Sabanin, Kliutchnikov) and "pseudo-Marxist" theories (Korovin).

Pashukanis was in fact quoting directly from this resolution when, in 1935, he sarcastically referred to Korovin's theories of international law as "attempts, concealed under Marxist phraseology and nevertheless basically expressing the viewpoint of petty bourgeois radicalism, to build up a system of 'socialist construction' in international law."¹⁶ In this 1935 monograph, which marked Korovin's official end, Pashukanis (p. 15) categorically denied the possibility of an evolution of international law: "If it happens that the Soviet Union insists on the recognition of certain new provisions in international law which it puts forward, this does not mean that an evolution of international law is taking place by which it is transformed from bourgeois into socialist law, passing through some transitional stages." Between the two systems there is nothing in common. They merely use, at times, identical forms—to which each system supplies an entirely differ-

¹⁵ See F. I. Kozhevnikov's contribution "Concerning the most backward sector of Soviet law," in *Sovetskoye Gosudarstvo i Revoliutsiya Prava* (1930, no. 3) pp. 147 ff. This journal, the official law review, became *Sovetskoye Gosudarstvo* in 1932, and *Sovetskoye Gosudarstvo i Pravo* (SGIP) in 1938.

¹⁶ E. Pashukanis, *Ocherki po Mezhdunarodnomu Pravu* (Moscow 1935) p. 74.

ent class content—as a framework for their relentless struggle (p. 17).

This was clearly a return to NEP legal ideology, that is, to temporary use of bourgeois forms and procedures in the expectation of a “last and decisive” encounter between capitalism and communism, after which socialist society would not require law—nationally or internationally—or, in any case, would make do with only certain forms of constitutional law.¹⁷ Although this type of legal philosophy was by then banned from the general field of Soviet law, Pashukanis managed to introduce these discarded theories, in a somewhat modified form, into Soviet doctrines of international law. This became possible through a curious chain of circumstances, entirely unrelated to the direction that Soviet foreign policies were taking at the time.

Between the 1920s, when Korovin came forward with his theory, and the 1930s, when Pashukanis seemed to have delivered the *coup de grâce* to that theory, Soviet foreign policies proceeded steadily toward a more or less integrated participation in international life. The last recognition—that by the United States—was achieved, and, in joining the League, Russia seemed to have joined the Status Quo Club in international relations. It would have seemed the appropriate time to proceed onward from Korovin's positions, rejecting some of his secondary “excesses” conditioned by revolutionary phraseology, but maintaining and developing his basic thesis—of a single international law that grows on the foundation of the coexistence, in time and space, of two social systems.

But in Russia's internal life this was the period of accelerated economic development, achieved through forced internal savings. Rapid industrialization and forcible collectivization of agriculture were incompatible with respect for tradition and laws, be they laws of nature or of economics, or legal norms in the narrow

¹⁷ As early as 1925 Pashukanis had predicted a disappearance of the “difference between international law and constitutional law” in the relations among socialist states; see his contribution to the *Entsiklopediya Gosudarstva i Prava*, vol. 2 (cited above, note 12) p. 863.

sense. Hence the return to legal "nihilism," in the form of a strictly voluntarist approach that subordinated law to expediency.

This temporarily gave a new lease on life to those leftist theoreticians of law in the Soviet Union who had only reluctantly made peace with the retreats of the NEP period. From their previously entrenched defensive positions (in the form of theories of temporary reception of bourgeois law as a whole until the blessed moment of socialism without law) they now eagerly jumped on the Stalin bandwagon and became ardent proponents of the primacy of politics over law. True, on closer scrutiny one could discern differences of final objectives, or at least of emphasis, in the voluntaristic pronouncements of these "reformed" leftists as compared with those of thoroughbred Stalinists. But this did not seem to affect the new alliance—either because the finer points of juridical shadings remained unnoticed as yet in the circles that mattered, or because Stalin was deliberately using remnants of legal "Trotskyism" to fight "rightist deviations," then held more dangerous to his plans of industrialization and collectivization.

Be that as it may, the brief period when leftist and Stalinist legal theories seemed to merge gave Pashukanis his chance to stand out for a while as the official spokesman of the Party in matters of law. In 1930 he replaced Stuchka as chief editor of the official law review, and by 1935 he had become the leading light of Soviet legal theory. He used his new position to impose, *en passant*, his own views in the field of international law as well. Here, however, it was impossible to apply the new voluntarist denial of law in so pure a form as in municipal law. While in internal policies anything seemed to be possible, here obvious limitations were set by the international position of the Soviet Union and by the foreign-policy objectives pursued at the time by the Soviet government. Hence the need for Pashukanis to fall back on some sort of modified NEP theory; and the form it took was the principle of temporary application by the Soviets of traditional bourgeois international law as a whole, under cover of which the actual "class struggle" continues.

From the point of view of the subsequent development of Soviet doctrine of international law, this was a definite step backwards. A promising line of development was abandoned,¹⁸ and Soviet doctrines of international law began simply to mark time. This was true not only during the brief period of Pashukanis' reign. The same ideological bareness characterized also the subsequent, that is, the Vishinsky, era in Soviet international law.

III

Vishinsky was clearly given the assignment of marking the parting of the ways between the Stalinist and the "Trotskyite" wings of the voluntarist law doctrine. After the great strides toward industrialization and collectivization the question inevitably had to arise of the further direction to be taken. Was the voluntarist drive to be continued until the disappearance of classes in Russia and the eventual disappearance, through a world revolution, of the capitalist encirclement and hence the state in general? Or was the country to settle down to licking the wounds of collectivization and to consolidating the existing regime? The second alternative prevailed, and the Soviet leadership set out to establish a *modus vivendi* between fully socialized industry and merely collectivized agriculture. Its task was to reinforce all the features of state power necessary for the maintenance of an uneasy balance between these two contradictory, if not outright antagonistic, social forces and for the survival of the lonely communist regime. The drive in favor of "socialist legality" was one of the manifestations of this endeavor. Maximum elasticity (Pashukanis) was to be replaced by maximum stability.¹⁹

Pashukanis remained chief editor of *Sovetskoye Gosudarstvo* until the end of 1936, but in the last issues of that review his theories were submitted to strong criticism. He disappeared from

¹⁸ Korovin unsuccessfully attempted to rehabilitate the essentials of his theory by jettisoning certain definitions that were in the spirit of an earlier era and no longer corresponded to the era of "socialism in one country"; see his letter to the editors of *Sovetskoye Gosudarstvo* (1935, no. 4) p. 171.

¹⁹ See Berman (cited above, note 7) pp. 47, 48.

the editorial board early in 1937, and after a short delay was replaced by Vishinsky, who began to speak with the authority of an official spokesman for the Party and the government. As a sideline to his purge of the general field of law, Vishinsky undertook also a cleaning operation in international law.

But he did not choose to return to the point where Korovin was, so to speak, "rudely interrupted." In fact, in a 1938 report to the Conference of Lawyers, Vishinsky coupled attacks against Pashukanis and his group with sarcastic remarks about Korovin. For this purpose he singled out from Korovin's 1924 work on "International Law of the Transition Period" a passage (p. 59), concerning the problem of intervention, which had obviously been introduced there as a concession to the revolutionary spirit of the time, and which had been revised long since by the author himself. In regard to the general tenor of the latter's theory of international law, Vishinsky vaguely accused Korovin of ignoring the cooperation of the Soviet Union with capitalist states, and of "contraposing [the Soviet Union] to the rest of the world, contraposing [Soviet] international law to that of bourgeois countries." This Vishinsky termed "a relapse into leftist shenanigans (*zaskokov*) by an author who is quite innocent where basic principles of Leninist-Stalinist foreign policies are concerned."²⁰ The accusation was not without irony inasmuch as only a few years earlier Pashukanis, in his crucial 1935 monograph (p. 74), had said that Korovin's work "under the cover of Marxist phraseology and extremely leftist appearances conceals bourgeois pacifist ideas."

By rejecting and denouncing both Pashukanis' and Korovin's systems of international law, Vishinsky left this field of legal science in Russia without a positive doctrine. Major theoretical problems had to be disentangled if recognition of the validity of an international law that is or ought to be binding upon all members of the international community was to be squared with

²⁰ Vishinsky's report to the Conference of Lawyers concerning "The main tasks of the science of Soviet socialist law," July 16, 1938, published in *Voprosi Teorii Gosudarstva i Prava*, 2nd ed. (Moscow 1949) pp. 96, 99.

prevailing Marxist doctrine of law and state. But neither in Vishinsky's report nor in the "Twelve Theses" on international law which were adopted by the Conference of Lawyers²¹ was there an attempt to clear up these problems. Pragmatic directives were given instead, which lacked inner consistency and carefully avoided the basic issues.

The general definition of law supplied by Vishinsky only confounded the difficulty as far as international law was concerned—unless international law was to be considered a social phenomenon *sui generis*, an idea that he seemed to deny by implication. "Law," said Vishinsky in his 1938 report (p. 84 in *Voprosi Teorii Gosudarstva i Prava*), is "the sum total of rules of conduct expressing the will of the ruling class and established through legislation, as well as of customs and community rules sanctioned by the state power, the application of which is secured by the coercive power of the state in order to protect, consolidate, and develop social relationships and institutions which are advantageous and desirable for the ruling class."

Between the Scylla of this immutable definition and the Charybdis of the thesis of universally binding principles of international law, Soviet doctrine floundered pitifully. In fact, for quite a while Soviet international lawyers carefully avoided this dangerous ground, where even Vishinsky feared to tread. Explaining in Marxist terms the nature of a single international law which regulates relations between capitalist and socialist states was indeed an arduous task if one was to avoid both "Pashukanite" heresy (adaptation of bourgeois law in part or *in toto* for purposes of international class struggle) and Korovin's "deviations" (growth of a new international law on the foundation of the legal coexistence of different systems).

Those few who ventured to take up the issue of the class content of international law did not seem to be able to "square the circle." M. Rapaport, for instance, who in 1937 fulminated, alongside Vishinsky, against deviations in international law, came forward

²¹ See *Sovetskoye Gosudarstvo* (1938, no. 5) pp. 119 ff.

with a formula of two lines of international law: "Contemporary international law is not homogeneous in its class content; it represents the struggle of two basically distinct lines of international law—the imperialist and the Soviet."²² As Rudolf Schlesinger has pointed out, this formula sounds like a direct rewording of Pashukanis' ideas, and in any case it implies the negation of a single system of international law.²³ Actually, Rapaport argued not so much against Pashukanis as against Korovin, against his "reformist conception" that "socialist reconstruction of international law" may be possible without revolutions in countries of the capitalist system.²⁴

"Oneness" of international law was also denied in 1940 by Kozhevnikov, writing in the *Bolshaya Entsiklopediya* (vol. 46, p. 641): "Contemporary international law does not represent a single and generally recognized entity of rules of conduct of states. There is no unity in international law, either historically or geographically."

Thus on the eve of the wartime coalition, and of its ensuing postwar projection in the form of the United Nations Charter, the idea of a single universal international law seemed to have been thrown back about two decades, to positions which, *mutatis mutandis*, prevailed before Korovin. Vishinsky, it seems, made too thorough a job of cleansing Soviet international law; when he included Korovin in his list of heretics he clearly threw away the baby with the bathwater.

Yet in the meantime Soviet foreign policy committed the Soviet Union to participation in world affairs in a manner and to a degree then unprecedented. For one thing, the Charter of the United Nations was the beginning not only of codification but also of institutionalization of international law—one and the same law for the capitalist states and for the Soviet Union and the "new democracies." With the slate wiped so clean by the Vish-

²² M. Rapaport, writing "Against bourgeois theories of international law," in *Sovetskoye Gosudarstvo* (1937, nos. 1-2) p. 94.

²³ Schlesinger (cited above, note 11) p. 281.

²⁴ Rapaport, *op. cit.*, p. 97; also SGIP (1940, no. 5-6) p. 144.

insky purge, Soviet doctrine of international law had very little to offer in defense, explanation, or justification of the new world system, of which the Soviet Union insisted on being part.

IV

The cold war and the sharpening of conflicts between the Soviet Union and the capitalist states did not obviate the necessity for Soviet international lawyers to supply a theoretical foundation for Russia's participation in a single international legal system: even the conflicts occurred within the system and, more often than not, Soviet diplomacy made appeal to the binding norms of this system and sought refuge behind them. Unquestionably, Zhdanovism and the hostility engendered by the cold war made it more difficult for Soviet international lawyers to cross certain ideological barriers which it was essential to cross in order to come up with a consistent theory of international law to fit the new realities of the postwar world. Yet Soviet leaders needed such a theory. Hence the proddings: "The lofty task before Soviet scientists in the field of international law consists in generalizing wartime and postwar experiences so as to make their contribution toward assisting the Soviet state in its endeavor of defending and protecting the interests of the land of socialism in the international arena as well as in organizing peaceful cooperation among nations."²⁵

It was not an easy task. Caution remained the watchword among Soviet international lawyers. True, Korovin reappeared; in 1944 he published a Red Army manual on international law,²⁶ and in 1945 he was the Soviet international-law expert in the United Nations Preparatory Commission in London; after that he was continually and prominently mentioned among the leading Soviet authorities—as a Member correspondent of the Academy of Sciences, as editor of textbooks, author, and so on. Other Soviet experts on international law showed up at international

²⁵ Editorial in SCIP (1946, nos. 3-4) p. 6.

²⁶ E. Korovin, *Kratkiy Kurs Mezhdunarodnovo Prava*, Part II (Moscow 1944); there was no Part I.

gatherings, including the International Law Commission; a Soviet judge was elected to the International Court of Justice; and the Central Committee of the Communist Party decreed increased attention to teaching and research in international law.²⁷ But there was no indication as yet that Soviet international lawyers had become bold enough to raise the "\$64 question," let alone solve it. That question—to borrow the wording from a query that Korovin raised much later, in SGIP (1951, no. 9, p. 14)—was "How is it possible, in the light of Marxist-Leninist teachings concerning the basis and the superstructure, and those concerning state and law, that there exist norms of international law which are equally binding for socialist and bourgeois states?"

Definitions of international law and of its nature which appeared in Soviet sources after the war at first avoided this crucial question. The actual controversy and the search for a consistent doctrine could only be guessed behind the hedging and the synthetic quotations of Vishinsky's dicta. Yet the controversy was unmistakable. One could roughly discern two schools, which for purposes of identification alone could be termed Korovin's and Kozhevnikov's. True, both operated within the bounds of Soviet diplomatic practice, and only cautiously stepped outside obligatory formulae, but differences in emphasis and in general direction indicated the substance of the controversy. Both accepted as their point of departure definitions of international law that were based on the notion of "struggle and cooperation" of states. From there, however, each seemed to take a different route. In fact, even the seemingly identical definitions contained telling differences of emphasis.

Korovin defined international law as "one of the branches of law, regulating legal relations between states which are established as a result of their struggle and cooperation in the world arena."²⁸ Kozhevnikov, on the other hand, defined international law as

²⁷ Decree of October 5, 1946, published in *Kultura i Zhizn'*, November 20, 1946.

²⁸ E. Korovin, *Mezhdunarodnoye Pravo na Sovremennom Etape* (Moscow 1946)

"the sum total of rules of conduct arising and changing in the course of history (conventional and customary norms) which regulate, in the interests of the governing classes, the political, economic, and other relations of struggle and cooperation between states in conditions of war and peace."²⁹

Between the two formulae there was a subtle distinction in the use of the same phraseology: "relations," "struggle," "cooperation." While Korovin seemed to bring out the "oneness" of international law, and somewhat removed it from the "struggle and cooperation" by representing it as the emanation of a single legal superstructure which arises from the manifold structure of contemporary international society,³⁰ Kozhevnikov simply placed international law in the midst of the "struggle and cooperation," in fact depriving it of the specific superstructural character. In Marxist terms this meant reducing international law from the category of law to that of politics. Indeed, Kozhevnikov, in a textbook written slightly earlier than the above definition, plainly stated that "the institutions of international law are used by states as a means of struggle for their political and economic interests."³¹ Since the political and economic interests of the capitalist states were presumed to be antagonistic to those of the socialist state, such a thesis could only mean either two distinct "superstructures" or a different content supplied by each side to the same form. Although Soviet international lawyers who followed Kozhevnikov's lead avoided this clearly "Pashukanite" phraseology and used instead the Rapaport formula of "two lines," the substance remained the same.

The clashing undercurrents of Korovin's and Kozhevnikov's theses ("oneness" of international law versus "two lines") have

²⁹ F. I. Kozhevnikov, *Sovetskoye Gosudarstvo i Mezhdunarodnoye Pravo, 1917-1947* (Moscow 1948) p. 5 (written in 1947).

³⁰ In an article published in the United States, Korovin defined international law as "the sum total of legal norms guaranteeing international protection of the democratic minimum"; see *American Journal of International Law*, vol. 40, no. 4 (1946) p. 742.

³¹ F. I. Kozhevnikov, *Uchebnoye Posobiye po Mezhdunarodnomu Publichnomu Pravu* (Moscow 1947) p. 27.

affected all Soviet pronouncements on the matter ever since, without a clear-cut, officially recognized victory for either. The trend, however, has been unmistakably toward a reassertion of the universality of international law. This becomes clear if we trace the changes that have occurred in the official definitions of international law in the last five to ten years.

In 1947 and 1948 these definitions usually adopted the structure inherent in the Kozhevnikov thesis and spoke of norms directly regulating the struggle and cooperation between states. Thus the 1947 textbook of the Law Institute of the Academy of Sciences, edited by Krylov and others, spoke of "norms which regulate relations among states, express the will of the ruling classes of these states, and are secured by the individual or collective coercion exercised by these states."³² Krylov, in his lectures at The Hague Academy of International Law in 1946, had supplied a more elaborate version, which in 1948 was almost literally reproduced by Vishinsky (with the omission of the word "competition"): "International law is the sum total of norms regulating relations between states in the process of their competition, their struggle, and their cooperation, expressing the will of the governing classes of these states, and assured by the coercion exercised by the states individually or collectively."³³

Both the 1947 textbook edited by Krylov and Kozhevnikov's 1948 volume laid particular stress on the limitations and the relativity of international law—in such remarks as "One should not speak of complete generality or of universality of international law" (Krylov, p. 8) and "Alien to the socialist state is any one-sided (positive or negative) attitude to contemporary international law" (Kozhevnikov, p. 25).

But in the Diplomatic Lexicon published in 1950 under the

³² S. B. Krylov, V. N. Durdenevsky, et al., eds., *Mezhdunarodnoye Pravo* (Moscow 1947) p. 5.

³³ Académie de Droit International, *Les notions principales du droit des gens* (The Hague 1947) p. 420. See also A. Vishinsky on "International law and the international organizations," in SGIP (1948, no. 1), reprinted in his *Voprosi Mezhdunarodnovo Prava i Mezhdunarodnoy Politiki* (Moscow 1949) p. 480.

direction of Vishinsky, the article on International Law, after a series of somewhat complex statements endeavoring to fit international law into Vishinsky's old definition of law, while describing the points of difference, states that "Norms and institutions of international law, despite their variety and multiformity (*mnogoobrazie*), represent a definite system." This system was said to comprise general groups of legal norms and institutions, dealing with "the legal status of the state in international intercourse," that is, the rights and duties of the state as a subject of international law; protection of rights and interests of populations in the relations between states; the international territorial regime; diplomatic consular rights; the rules governing international treaties; the structure, rights, functions of international organizations; economic, humanitarian, and other such cooperation; settlement of disputes; prevention and suppression of aggression; rights and duties of belligerents, neutrals, and the like.³⁴

In 1951 the 1947 textbook on international law was replaced by a new edition, with its introductory chapters written by Korovin, who was also its chief editor. Here the earlier definition was somewhat modified to read: "International law may be defined as the will of the ruling classes expressed in the sum total of conventional and customary norms regulating the legal relations between states which arise in the process of their struggle and cooperation and are secured by individual or collective state coercion."³⁵

The significance of this modification, which reintroduced Korovin's 1946 structure in so far as it referred to norms regulating "legal relations" arising in the process of struggle and cooperation, is only emphasized by the fact that for the rest Korovin used the standard phraseology almost word for word. Moreover, he even referred to Vishinsky's 1948 definition in SGIP—which, as pointed out above, was based, via Krylov, on the Kozhevnikov structure—as the source of his present definition, thus apparently indicating

³⁴ *Diplomaticheskii Slovar'*, vol. 2 (Moscow 1950) pp. 130, 131.

³⁵ E. Korovin et al., eds., *Mezhdunarodnoye Pravo* (Moscow 1951) p. 5.

not only that the change was approved but also that presumably Vishinsky would now like his earlier text to read that way.

v

Thereafter the thesis of the "oneness" of international law in relations between capitalist and socialist states clearly prevailed. Even Kozhevnikov had to admit the existence of international law common to the two systems. In 1951, in SGIP (no. 6), he began to speak of "elementary notions of international legality, the strict observance of which is absolutely binding upon all states of the contemporary world, without exception, in view of the historical fact of coexistence of two worlds" (p. 31); and, more than that, he bluntly admitted that "At the foundation of contemporary international law there are not two bases existing in separation from each other but the objective factor of the coexistence of these two bases" (p. 35).

As for Korovin, he was now emboldened to look into the difficult problem of theoretical substantiation of the phenomenon. As pointed out above, he asked how a single system of international law could be squared with Marxist-Leninist teachings about state and law; and he went on to review, but without naming any names, a series of theories that apparently had currency at one time or another among Soviet international lawyers. He rejected the theory that the "generally recognized," "basic," or "elementary" norms of international law are purely bourgeois by nature, for in his view the fact of their application by the Soviet Union deprived them of this character. The opposite theory—that these norms are socialist principles adopted by capitalists—Korovin regarded as tantamount to accepting an evolutionary transition (*vrastanie*) from capitalism to socialism. Theories of a compromise between two opposite systems produced, he said, "a juridical hybrid," a law above classes. Finally, he took up the group of theories which claimed that international law is a system *sui generis*, to which, therefore, the general definitions of law cannot be applied; in Korovin's view, these theories—some of which

represented international law as a form of politics, others representing it as a means of communication, like a language—involved either “nihilism” or “revision of Marxism.”³⁶

Having thus critically analyzed the explanations supplied by his colleagues, Korovin failed at the time to supply a new theory of his own. He contented himself with merely naming the issues. Indirectly, however, he seemed to point to the existing barriers, in the form of canons, which Soviet international lawyers encountered in their search for a consistent doctrine. Indeed, a few years later, in the somewhat eased intellectual atmosphere of the Malenkov period, Korovin bluntly placed before Soviet international lawyers the suggestion that some of the sacrosanct formulae must be altered in order to tie together loose doctrinal ends. In doing so he went beyond the question of a class content of international law valid for both socialist and capitalist states: he brought out the even more explosive issue of the content of the norms in operation within the system of Soviet states, and their place in the system of general international law.

Indeed, the contingency envisaged in Soviet doctrine of international law merely as a theoretical construction, if at all, had become reality. There were now several states with a more or less homogeneous socialist “class content.” Moreover, with the appearance of Red China, there were among them at least two great powers. Since the traditional Marxist denial of legal regulation of socialist society had been abandoned for all practical purposes, and since the idea of constitutional law as the regulator of relations among socialist states (Pashukanis) had been rejected as cosmopolitan heresy, the relations among Russia, China, and the other “peoples’ democracies” had to be presumed to represent interstate relations governed by norms of some kind of international law. The inevitable question arose: whether these norms constituted a new and independent system of law; or were part of the general world system of international law and represented

³⁶ E. Korovin’s contribution “Concerning generally recognized norms of international law,” in *SGIP* (1951, no. 9) pp. 16 ff.

essentially a development of law in operation between socialist and non-socialist states.

Korovin took a definite stand in favor of the second alternative. In a paper read before the section of Economy, Philosophy, and Law of the Academy of Sciences,³⁷ he advocated revision of the official definition of international law which was based (see note 33, above) on the 1948 Vishinsky formula ("sum total of norms regulating relations between states in the process of their struggle and cooperation, expressing the will of the governing classes of these states, and assured by the coercion exercised by the states individually or collectively")—because, according to Korovin, this definition could not apply to the norms of international law in force between socialist states (pp. 34 ff.). And he went on to say (p. 41) that "Either one must supply two definitions of international law—one for international relations in conditions of capitalist society, and another for the new type of international relations—which would be tantamount to a denial of the general notion of international law, or, considering the contemporary significance of generally recognized institutions and norms of international law, one must supply a general definition which would cover contemporary international legal relations as a whole."

Korovin specifically criticized the old definition's emphasis on "struggle" and "coercion." He also objected to the description of international law as expressing "the will of the governing classes." Instead, he suggested a new definition (p. 42): "International law is the sum total of norms regulating relations among states and protected by them, which are formed in the process of their international cooperation or struggle and are directed toward the satisfaction of their material and spiritual needs, in the interests of the classes which govern these states."

³⁷ E. Korovin on "Certain basic problems of contemporary theory of international law"; citations are from a summary of the paper, published in SGIP as a discussion article (1954, no. 6). The issue was received in this country after Vishinsky's death, but it was "signed for publication" on October 14, 1954, and Korovin's paper must obviously have been presented even earlier.

It is not necessary here to scrutinize this new definition on its merits. It seems to be merely a cautious transitional formula which endeavors to correct the most flagrant defects of the old definition while introducing only a minimum of revision. Korovin's reasoning in support of it is also extremely cautious, and displays a tendency to operate, as far as possible, within an orthodox framework. It is therefore not entirely free from contradictions. His understandable circumspection cannot, however, detract from the fact that in this analysis he not only opened the discussion on the main issues before Soviet doctrine of international law, but also broke through the barrier of hitherto sacrosanct definitions.

The challenge was taken up by Krylov. In an SGIP article (1954, no. 7) which immediately followed Korovin's, he criticized the latter's new definition as an attempt to "wed the unmarriageable." Recognizing, however, that inter-communist international law required a new definition, he suggested for it (p. 75) a formula somewhat similar to Korovin's: "The sum total of legal norms which regulate relations among socialist states and express their will to assure friendship and mutual assistance and to satisfy the material and cultural needs of the society." In regard to the "norms of generally recognized international law"—that is, those governing relations between socialist and non-socialist states—the old formula was to be maintained.

Krylov thus openly stated the case for a formal separation of the two systems, in contrast to Korovin's attempt to cover them with a common definition reflecting the thesis of organic growth and evolution of a single law for the international community. Once the opposing theses were stated, the authorities realized the dangers inherent in a clear-cut decision in favor of one or the other, or even in an open discussion of the alternatives. Apparently the word was passed on, and in the next issue of SGIP (1954, no. 8) V. Shurshalov (pp. 90, 91) began to question the advisability of discussing "the independent basis" of international law: "There is no need to take up the question of basis and super-

structure in international law . . ." To make it quite official, a few months later the *Kommunist* sternly reprimanded the SGIP for conducting the discussion on the basis of Korovin's thesis: "Science will hardly be enriched or practical international lawyers assisted by the abstract-logical speculations of the author concerning the basis of international law and the role of international law as part of socialist and bourgeois superstructure."²⁸

After this the discussion tended to dry up, and the participants began to seek out side-issues and generalities on which to agree or disagree with Korovin or Krylov, rather than to discuss the central issues. Finally, SGIP (1955, no. 5, p. 45) abruptly terminated the discussion with a "balance sheet" in which Korovin was mildly reprimanded—for raising awkward questions rather than for his solutions. No final conclusions were offered on basic issues, with the inevitable effect that they will be temporarily shelved, and Soviet diplomats will continue to operate pragmatically in the two spheres without seeking logical conclusions and theoretical consistency. Soviet international lawyers may find frustrating the necessity of again marking time doctrinally, but they will have to wait for authoritative signals. The wait may not be too long, however. The processes continue which were set in motion by the creation of several communist states and by their participation in the world community. Certain trends will appear, and sooner or later the Soviet leadership will have to seek practical solutions, preceded or followed, as the case may be, by theoretical conclusions. Once they begin to appear, these developments will bear watching.

VI

Indeed, if two distinct systems should emerge—one in operation between the communist and the capitalist states, and another inside the communist world—a series of practical and theoretical consequences would ensue. First, there would be a clear implica-

²⁸ Editorial "Concerning discussions in scientific magazines," in *Kommunist* (1955, no. 7) p. 126.

tion that, in Soviet thinking, international law as practiced in the relations between the Soviet Union and the capitalist states is temporary and static in nature; only the new, the inter-communist, system would have the ability of growth. Second, the two systems would differ in content. In the Soviet interpretation, however, the "old" system comprises such principles as sovereignty; sovereign equality of states; denial of the supremacy of international law over national law; treaties as the primary source of international law; the principle of unanimity of great powers. All such principles have their source in the heterogeneity of international society. In a system that claims homogeneity they would seem to have no *raison d'être*. Thus a separation of international law into two distinct systems would become the point of departure for a development of inter-communist law in the direction of a superstate. A truly paradoxical situation could arise in which Soviet diplomats, in gatherings of their bloc, would be forced to fight and denounce the very principles they so staunchly defend in the United Nations.

Although the paradoxical quality could not by itself prevent such a contingency, especially since the contradiction could be explained away by clever dialectics, there is no doubt that a development of this kind would represent a drastic reversal of the trend that has hitherto prevailed in the development of Soviet theory and practice. It would also deprive Soviet diplomacy of an instrument which, as has been said by John N. Hazard (cited above, note 5), is "useful in winning friends and in creating critics of one's enemies, even among the citizens of an enemy state" (p. 198).

But above all, it would inevitably put a strain on the relations within the Soviet camp itself. While it is conceivable that a system of super-government could be imposed on the lesser participants of the Soviet bloc, such a system would hardly seem possible in Russian-Chinese relations. After all, neither of these powers would tolerate the danger of being "outvoted." It is safe to assume that this last circumstance alone suffices to preserve

in the inner workings of the Soviet system at least the formal notions of classic state sovereignty, equality, and the like—as a line of defense which the weaker members of the alliance, who are, however, strong enough not to be fully dominated, endeavor to preserve.

It seems, therefore, that a series of political, ideological, and practical reasons combine which, if they do not fully exclude, at least make quite unlikely a drastic departure in inter-communist relations from accepted formal notions of positive international law. But if, as an inevitable corollary of the above, the legal norms governing relations among communist states should remain—on paper at least—identical with those the Soviets proclaim in their intercourse with the rest of the world, a series of doctrinal problems would demand solution.

First, Soviet theory would have to supply a conclusive explanation of the nature of international law, in the light of the fact that it would be in force also among communist states.

Second, since recent Soviet legal doctrine represents law in a socialist society as having lost its antagonistic nature—as operating within a framework in which a conflictless society is being consolidated and harmoniously developed—the same qualities would have to be attributed to norms of international law regulating the legal relations among socialist states.

Third, these latter norms would remain essentially identical with the basic principles of international law as applied in the system of states comprising socialist and non-socialist regimes, and Soviet doctrine would have to supply an explanation of this puzzling identity.

In the light of the dialectical-materialist teaching concerning the interdependence of cause and effect and the genesis of legal superstructures, the logical conclusion would be either to find antagonism in the communist system of states or to deny the presence of such antagonism in international relations. The first thesis is clearly inexpedient; the second seems to be utterly unorthodox. One can easily envisage the difficulties that are bound

to beset Soviet international lawyers once they are forced to deal with this theoretical dilemma, and it is impossible to predict how Soviet theory will go about solving the difficulty. In any case, the road for any solutions will have to be cleared by pontifical pronouncements concerning certain basic canons of Soviet political and legal philosophy.

And yet, recognition of the non-antagonistic nature of international relations, difficult as it may seem for political reasons, may prove to be less unorthodox from the Marxist point of view than may appear at first glance. After all, the image of the world as a class society—wherein states, representing different social orders, enter into a sort of class relation with one another and are therefore in a state of class struggle—has no real foundation in Marxist theory. A vulgarization and oversimplification of Marxist views about class society and class relations were involved in extending notions of class struggle from the internal life of states and societies to the intercourse of states.

Indeed, according to officially sanctioned Soviet definitions, classes represent groups of people which differ according to their place in the process of production, their *legally formalized* "relationship toward means of production," and their ability to "appropriate the labor of other [classes] as a result of the differences in their position within a definite order of social economy."²⁰ Thus, for a Marxist, class struggle is the struggle between "exploiters and exploited" within a given economic system; it is a conflict between antagonists whose interests are contradictory, but who are at the same time economically tied to each other as parts of a single process of production.

It is sufficient to sketch these elementary notions of the Marxist ABC to see that there is nothing in international relations which could justify an analogy with "production relations" in the Marxist meaning of the word—unless one wished to apply the analogy to relations between metropolitan powers and their colonies, or between powerful states and their exploited clients. This, how-

²⁰ *Kratkiy Filosofskiy Slovar* (Moscow 1952) p. 192 (quoting Lenin).

ever, is a different topic. In the present context the issue concerns states of equal status, which differ in internal order but do not enter into "production relations" with one another, and whose relations, therefore, have none of the elements of subordination. The state relations, for instance, between the Soviet Union, claiming to be proletarian, and the United States, purported to be the embodiment of capitalism, have nothing to do with "production relations." These states appear in the world arena as legal and economic units of equal status, which can no more exploit each other economically than they can dictate each other's internal policy.

Thus the notion of the class nature of international relations is deprived in this case (and in all similar cases involving genuinely independent states) of the economic and social foundation which for a Marxist is the only real source of class struggle. The notion of international class struggle is consequently relegated to the realm of pure ideology, without a basis in economics or the social structure of international society. The origins of this "idealistic deviation" can easily be traced. At a time when Bolshevik leaders, unexpectedly placed at the helm of a successful political revolution in a backward country, still remained convinced that the Russian "Commune" could not last unless socialist revolutions in the West followed suit, the extension of their own class struggle by analogy to world relations was natural. Russia's inferior economic position in the world during those years, and the series of interventions, tended to substantiate this oversimplified notion. But at the present time the unsoundness of the analogy, from the point of view of pure Marxist theory, should not be difficult to discern.

In fact, Soviet international lawyers have gone as far as possible in this direction without openly stepping out of still officially recognized dogmas. The evolution of the notion of state sovereignty—from the original denial, through Korovin's early principle of "self-determination," to the subsequent total adoption of the classical thesis of state sovereignty in international relations—is a case in point. The class nature of the state and of sovereignty

was not denied, it is true, but it emerged from this evolution only as a background for the fact of the sovereign state appearing as an entity, a unit in the domain of international relations, as a subject of international law. Even Pashukanis had to admit this "extra-class" aspect of relations between states. In fact, in his 1935 monograph (cited above, note 16), where he appeared in his role of official spokesman, he castigated Korovin for supposedly maintaining that the Soviet state represented not the people as a whole but only the proletariat: "This crusade by Professor Korovin against the theory of legal personality of the state . . . brings about . . . leftist identification of the proletarian state with the Communist Party" (p. 79).

Another facet of Soviet doctrine which in fact undermined the notion that states face each other in international relations merely as class organizations was the description of international law as the "legal superstructure of world economic ties,"⁴⁰ or as the "legal form of coordination . . . of economic relations . . . between opposite worlds."⁴¹ Although these definitions were supplied mainly by the Kozhevnikov school, and therefore were presumably meant to stress the division rather than the unity of international law, they nevertheless brought into relief the absence of antagonistic class relations in the "infra-structure" of international law. World economic ties and world economic relations are clearly trade rather than production relations, and, in so far as independent powers are concerned, are based on coordination rather than on subordination.⁴²

⁴⁰ Krylov, Durdenevsky, et al. (cited above, note 32) p. 5.

⁴¹ Kozhevnikov (cited above, note 1) p. 35.

⁴² Jean-Yves Calvez, in his highly interesting study cited above (note 5), has also drawn attention (pp. 172, 173) to the attempts by some Soviet writers to "extrapolate" a structural relationship between world economic ties and international law from the Marxist equation concerning the economic basis and the legal superstructure inside a country. He holds this extrapolation to be illegitimate, since we have trade relations in the one case and production relations in the other. Therefore he doubts the validity of the assertion that international law is a superstructure over world economic relations. This, however, is not necessarily the only inference that can be drawn here. It might be maintained that while a relationship exists between world economic ties and international law, the analogy with internal law should

Thus it seems that Soviet international lawyers have managed to say a timid A in this respect. If and when B is said (and it is hardly to be expected that anybody below olympian status would dare to say it), Soviet doctrines of international law may finally be enabled to substantiate theoretically the "strange" fact of gradual and non-violent growth of contemporary international law, and to connect it consistently with the political fact of international coexistence. This is not to say that Soviet doctrine will necessarily take such a course.⁴³ All that can be said is that this would be a logical development of the present trend. A reversal of the trend is always possible—and Western observers would be well advised to be on the lookout for signs of such a reversal, because, should it actually take place, its ultimate sinister significance would be not only academic. On the other hand, if the trend toward indivisible international law should continue more or less uninterrupted, and ultimately result in doctrinal conclusions portending "the propagation of ideas of peaceful processes among nations rather than concepts of struggle,"⁴⁴ the outcome might be an era of lasting stability in international relations, an era of genuine coexistence.

not be carried too far; in other words, Marxists may view municipal law and international law as superstructures over internal production relations and world trade relations, respectively, and, precisely as a consequence of this, may view the former as antagonistic and the latter as non-antagonistic, in view of the differences in the nature of the infra-structure.

⁴³ A great deal may depend on developments in world diplomacy. For instance, the universalization of the United Nations organization could greatly contribute toward consolidating the trend leading to indivisibility of international law, but the perpetuation of an Eastern "NATO" might be a step in the opposite direction.

⁴⁴ Julian Towster, *Political Power in the USSR, 1917-1947* (New York 1948) p. 411.

BRITISH LABOUR AND EUROPEAN UNION

BY DONALD S. ROTHCHILD

BRITISH Labour's foreign policy toward Europe has proved an uneasy mixture of the traditionalist and the socialist. It has by no means been doctrinaire. Rather it has tried to adjust changing circumstances to new and not always satisfactory situations. The pressures to align the fate of Britain to that of the continent have always been present, yet the Labour party, the party of change, has appraised each new tentative proposal with a restrained air of realism and dignity. The result has been a typical British caution which has harvested a crop of bitterness, praise, and suspicion. There seems little doubt that the Balkanization of Europe cannot be perpetuated. And the British Labour party is in the vanguard of those who hope for some revamping, but it believes that haste and loose thinking as to the value of changing Europe's face, without a calm appraisal of means and ends, might prove fatal. British Labour has been a primary agency insisting on sound consideration of the far-reaching proposals that have long pervaded the European air. Whether or not its position deserves enthusiastic support, the Labour party deserves acclaim for its clarification of the vital issues involved and for its serious, forthright challenges and proposals.

It should be pointed out from the start that although the Labour party has shied away from a dramatic involvement in continental affairs, it has no ideological prejudgment against regional federations as such. In a *Statement of Policy on Colonial Affairs*, approved by the Annual Conference of 1954, Labour specifically singled out for applause the proposed West Indian Federation. Such pronouncements indicate that Labour has no rigid policy in regard to the federation of small territories or states. The genuineness of this attitude accounts, in no small part, for British

Labour's moderating position atop the see-saw of Commonwealth-European influences. British Labour does not intend to neglect either pole. That it often seems to give more weight to Empire than to European influences is an interesting commentary on the fears of conservatives throughout the world who assumed that the Opposition's assumption to power in 1945 spelled a scuttling of the Empire.

I

In the period before World War II the British Labour party's interest in European unity was characterized by three principal, albeit overlapping, attitudes. As revealed in the mass of pronouncements that circulated between the wars, these attitudes were a desire to take part in building a more harmonious European region; a wish to remain unmolested in an island sanctuary; and an insistence on full implementation of the facilities of the League of Nations. These were not separate and distinct aspirations; usually all of them were present in the thoughts of Labour party members.

Even while World War I was in progress, Labour theoreticians were actively making concrete recommendations for broader regional activities. In varying degrees, all major Labour theorists hoped that participation in such activities would lead to a closer fraternization among potential belligerents. Each viewed Europe as torn by capitalist-inspired strife, and each wanted to ensure to European workers a freer opportunity for expressions of their solidarity. Though the techniques they suggested differed, they shared a general desire to secure peace in Europe. Virtually all articulate elements within the Labour party espoused the cause of a potent world government; yet many were prepared to shorten their sights if world government proved to be impracticable.

By the end of World War I, British Labour was tangled in the complex problems of European rehabilitation. The socialists continued to strive diligently for effective international control over the economic and political affairs of the world. But the

practical thinkers of the Labour movement, alerted by the obvious unwillingness of the major powers to surrender any tangible amount of sovereignty, were led to concern themselves intimately with the affairs of Europe. Labour politicians denounced the Versailles Treaty and the intervention in Soviet Russia by Allied troops. Labour battled vehemently against the repressive nature of the reparations, pointing out the increased impetus given to unemployment throughout the continent. The Dawes Plan may surely be seen as a victory for the Labour party's farsighted policy.

In these years, however, little was said or written advocating that Great Britain herself become actually involved in the political affairs of the continent. Ernest Bevin challenged such faint-heartedness, but he was criticized for impractical idealism and was defeated by indifference and apathy. On several occasions the Labour party even identified itself with the traditional position of British aloofness from continental involvement. A dramatic assertion of policy was the Labour government's cool response in 1930 to Briand's overtures for a European federal union. Because of this attitude, practical implementations of regional cooperation came to a standstill, and the British Labour party was singled out for no small share of the blame. In essence, however, the party was fulfilling its traditional British role. It was shying away from entangling the island in European affairs while also advancing the ideals of League participation. Of just such combinations of factors is British policy made.

Likewise, the Labour party vigorously opposed the four-power pact proposed in 1935 by Mussolini, deeming it a subverter of League principles. Furthermore, Labour officials believed that the pact would result in the erection of a "super-dictatorship" in Europe. The National government was castigated for its part in the proceedings, which was interpreted as an attempt to appease the threat of force. Though it ceased to approve of an all-European treaty, the National government turned its support to a proposal for regional pacts in Western, Eastern, and Central Europe. Labour adamantly opposed the regional pacts, and in particular

the willingness demonstrated by British representatives to work outside the League of Nations. In part because of the Labour party's opposition the proposed four-power pacts came to nought.

As is readily evident from this brief survey, the League of Nations was a positive symbol of important dimensions for the British Labour party. For British socialists it was more important to pursue ideals than to compromise with negative roadblocks along the way. The League was a culmination of hopes in whose name lesser projects could be scuttled or shelved for later investigation. And faith in the long-run indispensability of the League maintained itself through drastic changes in intra-party policy. Party theoreticians shifted from a pacifist abhorrence of the very possibility of a use of force by the League, which characterized their attitude in the decade following the conclusion of the Covenant, to a militant advocacy of sanctions during and after the Abyssinian crisis. But despite these important shifts of emphasis one can spot a continuing thread of optimistic faith, which held that in the end the League would act as a vital, constructive force in bringing about a secure world peace. It was primarily because this faith was so strong that lesser objectives, such as a regional solution in Europe, never made any conspicuous headway in the party.

Though Labour theoreticians praised the League of Nations as a start toward a predictable international peace, it must be understood that a high percentage of these leaders, especially after Hitler's rise to power, viewed the fledgling "world" government as embryonic. They were painfully aware of the weaknesses of the then-existing international machinery. They believed, however, that actual adjustments involving international tensions were possible only if such a symbol as the League was sufficiently attractive to overcome serious impediments to their effectuation.

II

In the period since World War II, Labour's pronouncements on British involvement in the affairs of Western Europe have con-

fused a large number of readers on both sides of the Atlantic. Indeed, Labour has found it necessary to pursue a rather flexible, yet cautious, program. It has been forced to respond to the countless pressures of constituents, continentals, Americans, Commonwealth authorities, and opposing factions within its own party. Only in the light of these pressures and their accompanying events can we hope to acquire even a partially satisfactory picture of the basic motivations and causes for reluctance which presently shape Labour's foreign policy regarding continental ties.

Early in 1946, before the bi-polarization of the world was obvious to all, the Labour government refused participation in any formation of Western states that might be considered a threat by the Soviet Union. The Labour government anticipated a tremendous task of economic and social rehabilitation. It did not wish to intensify any latent ill-feeling, but rather to get on with the job of peaceful living.

These assurances of good will toward Russia were not, however, extended indefinitely. When Molotov refused to enter into the Paris discussions for the implementation of the Marshall Plan in 1947, Bevin clearly expressed his nation's impatience at Soviet delaying tactics. Britain's own economic position was insecure, and Bevin could not succumb to Soviet pressures without causing demoralization in the United Kingdom as well as throughout Western Europe. Britain would not allow European recovery to stagnate in order to appease threats of military reprisal. At the conference Bevin insisted on a joint European effort, as stipulated by the Marshall offer.

As Labour politicians recognized the gravity of international tensions, they were forced to consider practical means of safeguarding Britain's position. At this time the concept of a neutral third force in Europe received thoughtful examination. In some quarters it was praised as the only solution.¹ Stress was placed on a united Europe's role as a mediary between two sparring giants—

¹ See Harold Nicolson, "The Labour Government's Foreign Policy," in *Socialism, The British Way* (London 1948) pp. 313-14.

the Soviet Union and the United States. A neutral Europe might exert a moral force in an amoral world; it might also reap economic and social advantages through its united effort.

Bevin's unexpected plea for Western European union in the House of Commons in January 1948 stimulated various hopes throughout Britain and Europe. He declared that it was not expedient for Britain to remain idle while the Soviet Union continued to consolidate her Eastern European empire. The Western European states were left with little alternative except to pull closer together, and therefore he called for a consolidation of the "kindred souls of the West."² His suggestion was discussed extensively at public meetings, in factories, and in official circles. Overwhelming approval was obtained at the Forty-Seventh Annual Conference of the party, in which an opposition foreign-policy manifesto was defeated by an enormous card vote. In 1948 and the early months of 1949 Bevin reached the high point of his enthusiasm; he told the Foreign Press Association, for example, that he "would regard it as a crowning event to establish European unity on a sound, definite, and progressive basis."³ He had passed from a distrust of regionalism to the optimistic advocacy of union. The next stage was to see a tempering of his ardor.

Whether by the sheer weight of his personality or by the eloquence of his manner, Churchill was able to head off the Foreign Secretary's ascendance to the peak of the European-unity movement. In 1949 Churchill boldly formed an all-party committee, with the purpose of tying together all the peoples of non-communist Europe into a regional organization under the United Nations. His action produced electrifying results. Labour was aroused in opposition. Such a proposal, it held, might aggravate the Soviet Union, and also might jeopardize socialist planning, in view of the preponderant American influence and the juggling of the proposed membership. Confusion reigned. Labour prom-

² See Elaine Windrich, *British Labour's Foreign Policy* (Stanford 1952) p. 190.

³ See Matthew A. Fitzsimons, *The Foreign Policy of the British Labour Government 1945-1951* (Notre Dame 1953) pp. 99-100.

ised a policy distinct from that of the Tories, and a program of European unification.

Neither of the above alternatives won a striking victory. Labour moved forward with a cautious policy which temporarily compromised, dulled, and stalled the issue of unification. The tone of Labour's activities was well described by its 1950 pamphlet *European Unity*, which considered it wise for national policies to be "progressively harmonized or co-ordinated by consent through co-operation between governments." These are hardly radical words. They were implemented by deeds in the Brussels Pact, the North Atlantic Treaty Organization, the European Payments Union, and the Organization for European Economic Co-operation. The emphasis throughout was on security. There seems little doubt that the impetus to unite was provided by the threat of Soviet aggression. The most meaningful provisions of these pacts dealt with collective defense; political and economic problems were stipulated only cautiously, in the most general terms. No doubt the pacts were a victory for British hesitancy. For this reason they evoked deep suspicion and even denunciations from federalist-minded groups on the continent.

Criticism at home of Labour's reluctance to involve Britain in a closer union with the "kindred souls" of Europe was not long in forthcoming. The convertibility crisis in 1949 had brought Labour's esteem on the continent to a low ebb, and the Conservatives were not loath to point out Britain's increasing isolation from the affairs of her allies in Europe.

On the other hand, Churchill's identification with the more advanced thinking on European integration was particularly irksome to Labour parliamentarians. Even before Bevin had expressed his stand for Western European union, Churchill, in his 1946 speech at Zurich, had declared "We must build a kind of United States of Europe," and since that time his name had become associated with federalist policy. Labour parliamentarians never tired of pointing out, however, that Churchill had quietly undercut his previous stand. In the 1951 handbook, *Facts and*

Figures for Socialists, for example, he was quoted as saying "I cannot conceive that Britain would be an ordinary member of a Federal Union limited to Europe in any period which can at present be foreseen." Churchill was assailed as reactionary and inconsistent, but such charges might have carried more weight if Labour itself had followed a consistent policy, and if its program had proved to be more in contrast with Churchill's pronouncements than was actually the case.

Most Britons were startled by the announcement of the Schuman proposals, in 1950, which brought the issue of European unity again to the forefront of public consideration. In the debate that followed, partisan interests prevailed, although some sensational statements, registered by the dissident elements on both sides, detracted from any display of complete party unanimity.

It is important to note that the two sides, despite the fervor of the debate, did not disagree on basic principles. Churchill may have expressed a wish to further European cooperation, but he also stated emphatically that he would not place British industry under a supra-national authority. Yet Labour's censure of Churchill reached quite extreme proportions. A sample of Labour's criticism is William Blyton's speech to the Forty-Ninth Annual Conference at Margate (*Report*, 1950, p. 165):

In relation to the Schuman Plan the Tory attitude has been disgraceful. Mr. Churchill barged into the House of Commons and demanded that we should go on the basis of accepting the supra-national authority, and he was defeated. He would have handed over our steel and coal industries to the authority whilst the next week he would deny the right of the British people, after two elections, to own their own steel industry. Hardly had that vote been taken than they turned a somersault at Strasbourg. They asked in the MacMillan resolution to abolish the supra-national authority and give the power of veto to the Council of Ministers. Mr. Churchill was at Strasbourg at the time. He did not sign that resolution although every Conservative who was there did so. Why did he not sign it? Because he wanted to say, if things went wrong, that he had nothing to do with it, and if it went right he would favour it.

Apart from its attacks on Churchill, Labour reacted to the Schuman Plan much as it had to previous proposals for European integration. The Labour government applauded the prospect of ending intra-European disputes, and avowed every intent to cooperate with the new organization. The cabinet immediately embroiled itself, however, in a dispute with the French. Monnet wanted each participant at the conference to agree first on the principles of consolidation, so that the constituent body would merely be charged with working out their application. This the British government would not do. It would not agree to pool its resources and to accept as binding the decisions of a supra-national authority. Furthermore, the Labour officials wanted to see the plan, for only after its formulation would they consider its ratification.

In 1950, at approximately the same time that the government reserved its decision on the Schuman Plan, the Labour party published its now famous pamphlet, *European Unity*, in which it listed its fears of a supra-national authority: the planned economy of the British Isles would be threatened in order to create a giant cartel in the heart of Europe, and England, isolated from the Commonwealth, would be undermined by the lower standards of living abroad. This pamphlet was greeted with derision by the English as well as by the foreign press. The socialist government was ridiculed for its conservative unwillingness to associate the United Kingdom with Western European affairs. The Labour party was mocked in the halls of Parliament and despised by the numerous federalists of Western Europe.

Nevertheless, as was soon evident to all, blame for impeding the Schuman Plan could not be heaped at Labour's door alone. Labour's opposition was representative of the feelings of many throughout Europe. The Scandinavian parties, the German SPD, and the British Conservatives were among the many who have never displayed an outstanding desire for unification. They were permitted the luxury of sitting back while British Labour was singled out for the particular abuse of the regional-minded politi-

cians. But they could not stand aside indefinitely. This is perhaps best shown by the mildness of the censure that was expressed in the House of Commons. The Opposition merely requested that the government, in the interests of peace and full employment, "accept the invitation to take part in the discussions on the Schuman Plan, subject to the same condition as that made by the Netherlands Government, namely, that if the discussions show the plan not to be practicable, freedom of action is reserved."⁴

III

It is possible to detect six underlying influences that shape present thinking in Labour party ranks toward European unity. These are insularity, nationalism, Commonwealth and imperial ties, projection to a wider community, economic fears, and alleged tendencies to be doctrinaire on the part of European socialist parties.

As for the first, Clement Attlee has observed that the most prominent feature of the Englishman's background is his "consciousness of Britain's insularity."⁵ Living as a people apart on an island creates a kind of separateness and independence which is difficult to surrender. The United Kingdom has a proud history, of which her people are fully conscious. This independence and pride are ingrained in her political and economic as well as her social traditions. There is little doubt that these traditions can be extended to include new forms. They are thus extended when it is evident to an overwhelming number of Englishmen that it is clearly in their interest to make a change. Just such a readjustment has occurred in Empire relations: the Statute of Westminster was a wide departure from previous Empire relationships, and the present enlargement of the Empire to a multi-racial partnership is a similar departure from custom. But the political

⁴ See Windrich, *op. cit.*, p. 200.

⁵ Clement R. Attlee, *The Labour Party in Perspective—and Twelve Years Later* (London 1949) p. 145.

involvement of the British Isles in the affairs of Europe was seen as an unwarranted departure from the tradition of independence.

Nationalism acts as a second influence on Labour party policies. National pride is not, of course, in itself an evil. In England it has led to the development of a culture that is emulated throughout the world. The spreading of British parliamentary forms can be seen only as an affirmation of the liberal values inherent in the British political and economic system. Yet British nationalism, a corollary of British insularity, has its less pleasant aspects as well. J. F. Kövér has said that the "inveterate nationalism of Western Europeans" is the common denominator of all their difficulties.⁶ This is perhaps an overstatement, but its general sense is accurately rooted in fact. The mere introduction of Italian and Polish miners into the coal pits of Wales was sufficient to awaken an international episode of embarrassing dimensions; British nationalism in all its virulent fury won out over the more mundane economic needs brought about by a labor shortage. And national differences in religion may also be relevant in this context. There is a strong Catholic representation in the countries identified with supra-national European agencies, and the thought of being submerged under the Catholic rule of a supra-national state evokes strong sentiments from British Labour's many nonconformists, as well as from Anglican elements within both parties.

Commonwealth and imperial ties are a stronger influence on Labour thinking than is usually recognized. Prior to the 1945 election, suspicions were aired that the socialists intended, in effect, to destroy the Empire. Actually, while socialist writers have called for a dynamic program to fit the needs of the Empire, they have at no time shown a desire to abandon England's central position within it. Labour pamphleteers see in imperial participation a more vital obligation than the concentration of British energies on the problems of a localized, regional arrangement.

⁶ J. F. Kövér, "The Integration of Western Europe," in *Political Science Quarterly*, vol. 69, no. 3 (September 1954) p. 373.

These writers, as represented in *European Unity* (p. 4), consider the United Kingdom "the nerve centre of a world-wide Commonwealth," and they feel "closer in language and in origins, in social habits and institutions, in political outlook and in economic interest" to their "kinsmen in Australia and New Zealand on the far side of the world" than to the populations of Europe. It is possible that the United Kingdom could be united to Europe while remaining the hub of the Commonwealth and Empire, but if this should ever be attempted the Dominions would certainly have to be consulted at every stage of the process. The Labour party would not jeopardize Empire relations unless the higher objective of a world union could be achieved.

This brings up Labour's tendency to project its thinking to wider communities than regional or imperial groupings. Participation in the Atlantic Community is preferred to the limitations of a continental federation, but in actual fact Labour looks to world collaboration as the only meaningful solution for international economic and political problems. The United Nations is the keystone of Labour's foreign policy. All factions of the party tend to analyze even current problems in terms of this objective. It is the ideal. Beneath this ideal, all lesser groupings are viewed as impediments. Thus Labour finds most dangerous to its ideal those pacts that tend to limit British horizons most severely. For this reason alone the worldwide British Commonwealth evokes more enthusiasm than the union of Europe, but neither of these objectives has the enticement of a federation of all the world.

Fears of an economic nature fall into two categories—one relating to the standard of living and the other relating to capitalist domination. With British living standards higher than those of most of Europe, Labour finds it especially difficult to conceive of European union, for only the most meager of benefits are envisaged. Labour "backbenchers" and ordinary dues-payers have queried countless times whether European union would mean general unemployment for England. So far, they have not been

satisfied with the answers. If England is divested of imperial preferences and her basic industries merged with those of Europe, will her plants be made idle in the interest of federal efficiency, and will the remaining wage scales be made equivalent to those paid Belgian and Italian workers? If unification is to mean a lower standard of living, British workers apparently deem the sacrifice unreasonable.

A speaker at the Forty-Ninth Annual Conference of the Labour party was quite explicit on this point: "We want to make certain that it is intended as a raising of the standard of living, as a means of seeing to it that the highest country is the standard wage for all the countries that come into the plan and not the lowest. We want to see to it that full employment is the basis of our plan." Since this assurance has not been given, and cannot be, British workers remain uneasy. They are fully aware of their sacrifices under the planned economy, and they are not willing to forgo its benefits just as the domestic economic picture shows signs of a healthy stability. They have learned of the immense strike losses in France after the war, and of the low wage scales throughout most of Europe. Quite naturally they pause before throwing themselves headlong into an economic union that offers them few obvious advantages—that is, unless they are convinced that the potential domestic consumer market of an estimated two hundred million would act as such a stabilizing factor that temporary dislocations would be offset by a secure economic future.

The National Executive Committee of the party assumes in *European Unity* that any European parliament "would be anti-Socialist or non-Socialist in character." From this rather defeatist hypothesis flows a chain of fears regarding capitalist domination—a chain that ends in another economic ground for rejecting close unity with the continent. Unemployment, loss of production, social convulsions, and domination by a European cartel are all predicted if federation comes to pass. Of course no one can assure the British socialists that their brethren in France and Germany will rise to positions of respected leadership; therefore

fears of "capitalist encirclement" in Europe dominate Labour's thinking and block any bold steps forward.

Britain's welfare state is considered to be particularly jeopardized by—of all things—an "elimination of competition." Labour is concerned over the lack of "complementary economies"¹—a lack that is certain to result in the favoring of French-German coal and steel rather than their equivalents in the United Kingdom. Full employment exists in Britain today, and Labour leaders are fearful of the uncertain consequences entailed in a merger of Britain with the "non-complementary" economies of Europe. Labour's intent is to be free to plan "democratic socialism," and any manoeuvre that might impede the attainment of this goal is certain to receive critical scrutiny.

Hugh Dalton epitomized the Labour party's economic sentiments regarding European unity when he stated at the Forty-Ninth Annual Conference that "We are determined not to put [our] gains in peril through allowing vital decisions on great issues of national economic policy to be transferred from the British Parliament at Westminster to some supra-national European Assembly whose political complexion and social philosophy is very doubtful and uncertain from our point of view." In other words, Labourites feel much surer of their position on the island. They can search out only a handful of friends on the fringes of the European continent, and thus the risk of involvement seems enormous from their own political and economic points of view. They prefer to turn their idealism toward Commonwealth or world cooperation rather than toward Europe, despite its geographical proximity.

Finally, British socialists deem their counterparts on the continent to be doctrinaire in their advocacy of socialism. Representatives of the British Labour party who attended the Council of Europe at Strasbourg were virtually unanimous in sensing their isolation from the other, more federalist-minded delegates to the

¹ T. E. M. McKitterick, "Economic Doubts," in *Fabian Journal* (October 1950) pp. 14-15.

Council sessions. The Scandinavian and Irish delegates tended to side with Britain's representatives, but the French, German, Benelux, and Italian delegates generally pressed for a united Europe. Hugh Dalton heaped sarcasm on the unifiers in his remark to the Forty-Ninth Annual Conference that "Broadly speaking, those who were in favour of federalism in the majority of cases came from countries where less has been done than in Britain or in Scandinavia to assure full employment, fair shares and the economic controls necessary to maintain these things." Apparently Mr. Dalton draws a clear line between the socialists of Britain and Scandinavia and those of France, Germany, and Italy. This is not unusual.

As was noted above, Britain's insularity has permitted British Labour to grow up with different traditions from those of its continental colleagues. The British have no communist problem. Their population is basically homogeneous, with a minimum of domestic religious antagonisms. Therefore the tensions of communism and religious disagreement take a back seat, while party interest is stimulated by the policy differences of various factions. And these environmental factors hold true as well in Scandinavia. Since the other European socialist parties must strive for leadership in the face of a different set of obstacles, their outlooks vary considerably from the British and Scandinavian. They calculate unemployment and profit potentials from a different perspective, and even their doctrinal and disciplinary devices have to reflect their specific situation if they are to keep their membership behind them. Therefore, though they share the name "socialist," it is not surprising that they treat an issue of policy, such as European regionalism, in a totally different manner.

IV

The rather traditional influences of these six factors—Britain's insularity, nationalism, Commonwealth and imperial ties, projection to a wider community, economic fears, and general uneasiness over the objectives of socialist parties on the mainland—tend to

inhibit a dramatic program of involvement in continental European affairs on the part of the British Labour party. It is not that the Labour party is loath to act. Today, shortly after the most discouraging election Labour politicians have witnessed in decades, it is not hard to see that the party needs a challenging new program to submit to the people. Monnet's plan could conceivably fill this need. But the Labour party is not likely to make an enthusiastic volte-face on the issue of European unity. It seems more probable that it will respond to the psychological commitments of its traditional influences in preference to the more sensational, and less deeply rooted, cause of the day.

It must be emphasized that while the Labour party is likely to shy clear of the European federalist movement it will doubtless continue to support those European programs that supplement Britain's needs. Its approach will thus be functional—and, indeed, highly practical. It was outlined with tact and modesty by Herbert Morrison in 1954:

We are willing to consider specific and practical projects for Western European co-operation. We are willing to consider them on the merits of the case and if we are satisfied that they will work, that they are practicable, then in my view we should be willing to co-operate. Although I must admit that our earlier approach was somewhat conservative—I am not using that word in the party sense—it could even be said, too conservative, nevertheless, if the case for co-operation on economic, political or defence matters is proved to our satisfaction we should be willing to consider the proposition on the merits of the case. And, as time goes on, a number of separate agreements for Western European co-operation might well meet with British assent and support, and later might be built up into an organization of a governmental and parliamentary character which would represent at any rate the beginnings of federal governmental and parliamentary institutions in Western Europe. Indeed, some beginnings have already been made.⁸

⁸ Herbert Morrison in Council of Europe, Consultative Assembly, Sixth Session, *Official Report of Debates*, vol. 1 (Strasbourg 1954) p. 92.

Mr. Morrison's attitude at Strasbourg typifies that of a large section of his own party and others throughout Europe as well. It is neither a wholesale rejection of future federation nor an acceptance of unification at this time. It bespeaks realism and hesitancy.

On the whole, although European federalists charge that British politicians (and Labour's leaders in particular) represent an uncooperative and non-representative voice in the affairs of Western Europe, the balance sheet does not prove their case to be as one-sided as might first be thought. Through economic and defense pacts a limited measure of international cooperation has been achieved. The Council of Europe augurs well for future implementations of collective policy.

But another, a less tangible factor, deserves to be reckoned with. To an extent that is impossible to calculate, British Labour has expressed the sentiments of many throughout Europe. Since integration has appealed to a high proportion of European electors, continental politicians who are unenthusiastic about regional prospects have concentrated their energies on other causes. So long as Britain stands adamantly outside of European federation plans, these leaders need not jeopardize their uneasy positions, for they realize that a Western European union could not be a success without British participation. What decision will the German SPD make on federation? Indications point to an alignment with the Scandinavian and British positions. Regardless of their varying objectives, these parties, united in opposition to an immediate federation of Europe, would be able to forestall any significant change on the European scene. The supporters of federalism have lately been intensifying their efforts, undoubtedly anticipating the effects of a more solidified and aggressive opposition. It seems reasonable to conclude that the British Labour party, once a seemingly lone voice in the Western European scene, has come to spearhead a growing opposition to unification. For its success in the endeavor it is as accursed as it is admired.

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BOOK REVIEWS

MACIVER, ROBERT M. *Academic Freedom in Our Time*. [A Study Prepared for the American Academic Project at Columbia University.] New York: Columbia University Press. 1955. xiv & 329 pp. \$4.

Professor MacIver suffers, among true scholars, a severe limitation. He is incapable of writing a single dull page. He is incapable of presenting an argument that does not carry conviction to every scholar who isn't a self-blinded egoist or a dunce. Where can a hostile critic head in, on such an overwhelmingly competent book as *Academic Freedom in Our Time*?

Well, let me begin on the title "Our Time"; what is our time? Is it the time of McCarthy, of a minority political party without principles, without convictions but with a most authentic hunger for offices, raised accidentally to power by a great name, and desperately bent on making a temporary accidental advantage into a permanent asset? Is it a time when the men of money can ramp inside of government and outside, as the authentic patentees of the God of might? Is it a time when Veterans of Foreign Wars make a hissing and a byword of their well earned merit, and Daughters of the American Revolution disgrace their ancestry? A time when overfed lady busybodies snoop into the public libraries and demand the exclusion of books a thousand times better than they, books they have never read, are incompetent to read, unworthy to read? Is it a time when persons by accident endowed with the quality of parent feel chartered to invade the public schools and plant despair in the honest teacher's heart?

No, that does not define "Our Time." A transitory aberration; even now as I write, McCarthy is one with Nineveh and Tyre. Our real time is better represented, in the problem of academic liberty, by the gallant presidents and honorable trustees of Columbia, Harvard, Cornell, Chicago, and many other universities and colleges I could name if I were composing an honor roll. But it is not enough to say the evil days are disappearing, or already past. Those days brought clearly into the light various grave weaknesses in our educational organization, weaknesses that throw open the gates to the oppressors of academic freedom. And these weaknesses have been clearly exposed by MacIver.

Look at our university government. In so much of Europe as is still free, the Faculty governs the university. The Faculty lays out its own curriculum. It selects new members, promotes, dismisses. A

scholar lives under the judgment of qualified scholars. In America the supreme governing authority is the Board, or the Regents, as the name may be, laymen qualified accidentally or not at all to pass judgment on issues of scholarship.

Many years ago I knew a man who after a third of his span of life in grinding poverty succeeded in grabbing seven million dollars. With the power this money represented he proceeded to get himself elected a Regent of the University of Michigan. He had a mission, to drive all the infernal atheistic Darwinians out of the university. But the other Regents and President Van Hise educated him to a new mission, to repair the starvation finances of the university, result of political tenderness to the great tax dodgers. He got himself elected Governor and squeezed the juice of the great corporation oranges into the thirsty university cup.

Happy ending; and don't let us forget, America even in our time is the land of happy endings. If you look at the Board personnel of a dozen American universities and colleges, note their education and their business interests, you would say academic liberty hasn't a chance. You would be wrong. In nine cases out of ten these Board members are very modest about the academic problem child under their tutelage. They are anxious to do right, and so, as a rule, they do nothing at all. They look to the president of the institution to "brief" them, and back him up till he tires them out.

Dr. MacIver thinks there should be a close official relation between Board and Faculty. I think he is right. But I think he is wrong when he assumes that at present there is no relation at all. In a number of institutions where I have served, one or more of the Board set out promptly to make a confidential friend of me. What did I think of this professor or that? What did I think of the president of the institution? In one institution where I served for a time as a professor, no president could survive Faculty-Board intrigue more than seven years—few more than five years.

We all agree with MacIver that without liberty the search for truth languishes, and without the search for truth our institutions of learning become mere centers of indoctrination, quite as prone to ease the way to social and national ruin as to smooth the way to the good. The evil days of McCarthy and the ramping ignoramuses have taught us to look over our armor.

MacIver would set up a joint Board and Faculty committee which should have jurisdiction over educational policy, appointments, promotions, dismissals. The plan might work, although Faculties are

not well qualified to operate representative government. Scholars are too individualist, too prone to set logic above pragmatism. For my own part, I look rather to the moral development of Faculty and Board.

First of all the scholar must school himself to value academic liberty, to be prepared to fight for it at whatever cost, as the heretic scholars of early modern times, to whom we owe the conception of academic liberty, fought even up to the rack and the stake. The physician has the Hippocratic oath to bind him against the temptations of egoism and profitable charlatanry. The scholar needs an oath individual or institutional to bind him against the temptation to tailor the truth to the taste of the lay patron.

From its beginning the Graduate Faculty of the New School has carried in its constitution the requirement that every member must follow the truth in science wherever it may lead, at whatever consequences. No scholar can join the Faculty without subscribing to this principle; no scholar can remain with the Faculty if he deviates from it. The constitution of the Graduate Faculty operates by vote and will of the Board. No honest man would join the Board if he could not accept this principle of academic freedom and academic responsibility. I believe that if the question were put to them, Faculty after Faculty throughout the country would subscribe to the principles embodied in the academic-liberty provisions of the New School Graduate Faculty constitution. I believe that Boards of Trustees, or Boards of Regents, would one after another subscribe to the same principles. So far we could go at the present time, and for all practical purposes it is far enough.

I have rejected the notion that the McCarthy plague represents the health of our time. But I do not belittle the consequences of the plague. There is no educational institution in which there are not students who question the instructor's defense of our American institutions, on the ground that the instructor is not free to criticize our institutions. In my early career as a teacher the brightest boys and girls in my classes looked forward to a teaching career, an underpaid career but offering the noblest opportunity within the reach of man, the pursuit of truth. In the last years I have met many bright youths. None of them chooses the career of teacher, to be cribbed, cabined, and confined by the dictates of ignorant busybodies. Our educational system, our first line of national defense, is running down. The time will come when over-clever historians will surmise that the Machiavellian Soviet schemers set up McCarthy and

his ilk to cripple American education and leave a free field in science to the communists. But the Soviets are too clever to subsidize work that fools are ready to do for them for nothing.

This is not a good review. A good review tells you everything there is in a book, so that you do not need to waste time reading it. Nobody but a dunce would try to put in a few words what MacIver says in a whole book. MacIver is a Scot, and never spends a word if he can save it. You can mutilate him but you can't summarize him. But you can judge him. You can say, without reservation, that he has written the best book on academic liberty that has ever been written, and that nobody can read it without becoming a better citizen of America and the world.

ALVIN JOHNSON

President Emeritus, New School for Social Research

GLASS, D. V., ed. *Social Mobility in Britain*. Glencoe, Illinois: Free Press. 1955. viii & 412 pp. \$5.

In this volume are presented the "first main results" of a large project carried out through the Department of Sociological and Demographic Research of the London School of Economics. The project is concerned with the processes of social selection and differentiation at work in Britain during the last five decades, and the middle classes are its general focus. But the present volume deals only with "the general picture of social status and social mobility in Britain" in terms of occupational status, ranging from unskilled labor to professionals and high officials. The twelve contributors combine traditional British approaches toward the "social survey" and its "objective" techniques with newer American approaches utilizing "subjective" procedures.

For the core study of this volume "a random sample of 10,000 adults . . . representing the adult civilian population of Great Britain" was investigated, with the help of government agencies. For some of the additional studies regional or local samples were used, or the materials of previous studies were consulted. With the help of an elaborate questionnaire, the subjects submitted information "in respect of social origins, education, occupation, marriage and fertility," with consideration of changes that had occurred in the course of their lives.

The researchers have investigated social mobility in terms of social status, focusing on the "social grading" of occupations. They consider this single criterion particularly useful since it is linked both to economic status and to educational background. The classificatory

framework for the project was prepared in a pilot study, in the course of which 343 individuals were asked to rank a selected list of thirty essential occupations; the results were subjected to a second test involving more than 1,000 persons. The thirty occupations were then grouped into seven larger categories, and it was found that, with the exception of three occupations, the results agreed with a "standard classification" drawn up beforehand on the basis of modified schemes used by government statisticians. The seven larger categories, and in some cases a simplified contraction of them, were used for determining the occupational stratification of the sample and the degree of mobility among its members.

The "subjective aspects of social stratification" were explored by F. M. Martin, in a London borough and a country town. Stratified samples provided general information, and the respondents gave their opinions as to the name and number of social classes in Britain, indicating with which of these classes they would identify themselves. This is possibly the most interesting contribution to the present volume. As Martin explains, "The expectation underlying the use of an index of subjective status was simply that an individual's beliefs and ideals would be functionally related, not only to his objective social situation, but also to his own definition of that situation. Accordingly, the subjective index was regarded as a means of sub-classifying respondents who were stratified in the first instance by the relatively objective criterion of occupation" (p. 55).

Martin found that it was only at the extreme ends of the occupational scale that self-assessment approached unanimity. In the middle ranges strong divergences were observed. The lower grades of white-collar employees, for instance, identified themselves almost equally with the working and the middle classes. In the London borough many clerks, technicians, and the like assessed themselves as working class, while in the country town manual workers often viewed themselves as middle class. And further, persons who regarded themselves as middle class tended to maximize social distance by defining working class in terms of "dustmen" and "roadsweepers," while those who identified with working class often extended the occupational frontiers of that category to include certain white-collar occupations (pp. 59-61). Of interest is the finding that in almost all categories more than half the respondents found it desirable to have their own business, but displayed a considerable awareness of the actual limitations to the realization of their wishes. The respondents predominantly appraised their children's opportunities for social advancement as better than their own, especially

the manual and white-collar workers who identified with the working class.

The broader investigations fall into two groups: one concerning inter-generation changes in social mobility; and one concerning the educational opportunities of the various occupational categories, both under the older school system, with its limited "educational ladder" favoring pupils of private and boarding schools, and under the new school system of the Education Act of 1944, with its principle of a "secondary education for all." The full consequences of the 1944 act could not yet be demonstrated, but it appears that at present the upper working class is more adequately represented in the grammar schools, which are decisive for higher education, than are the lower working classes.

A male sample of 3,500 provided the basis for the analysis of inter-generation changes in occupational status, or status "association" between fathers and sons. It was found that among those in the professions and in high administrative posts, and also among the skilled workers, about half were maintaining their fathers' level, but in the remaining five categories only about one-fourth, or less, "associated" with the occupational level of their fathers. About 44 percent of both unskilled and semi-skilled workers were sons of skilled workers, whereas nearly 28 percent of the skilled workers had fathers who belonged to higher categories (mostly the lower non-manual grades of occupations). Among the sons of skilled workers, 72 percent remained in worker categories. Thus more than one-quarter of this group had risen beyond the worker level, but among the sons of semi-skilled and unskilled workers the corresponding proportions were only 17 and 14 percent, respectively.

Of methodological interest is the introduction of a kind of ideal-typical device, a "standard of perfect mobility," showing the general social rate of occupational mobility at a particular time, and the expected participation in it, under the fictional assumption that all members of all strata have an equal chance to move out of their occupational spheres. The standard thus "measures" the actual and relative mobility of the different strata, serves as an indicator of the "internal rigidity or fluidity of the structure" as a whole, and, finally, indicates changes in the mobility rates of individual strata over extended periods of time.

These remarks must suffice as indications of the many aspects of the study that warrant detailed consideration. It could be wished that the researchers had added concise and clear-cut summaries of their substan-

tive results at the ends of their respective reports, for the presentation, including some of the tables, is occasionally cumbersome and tends to bury the essential information under accumulations of highly technical details.

HELMUT R. WAGNER

Research Division of the New School

KATZ, ELIHU, and PAUL F. LAZARSFELD, with foreword by Elmo Roper. *Personal Influence: The Part Played by People in the Flow of Mass Communications*. Glencoe, Illinois: Free Press. 1955. xx & 400 pp. \$6.

Recent research in communications increasingly stresses the importance of personal influence as an intervening factor in the chain between the mass media and the public. While previously the impact of the media was conceived in terms of a direct effect of stimuli upon atomized mass audiences, it is now more adequately understood as in large part an indirect effect of intersubjective communication by which derivatives from the mass media are spread within the human groups. The focus of study is therefore on a twofold problem: that of the flow of interpersonal communication in human groups; and that of the type of social actor who is the principal link in this process, the "opinion leader" or "influential." This approach involves the utilization, in communications research, of modern group theory, and the first task that the authors of the volume here under review have set for themselves is to demonstrate the applicability of this important branch of social science to the study of mass communications. Thus Part One of the book is devoted to an inventory of work done during recent years on problems of persuasion and communication in the small group. This is an excellent summary, supplementing and bringing up to date the material surveyed in Shils' two papers on the primary group (1950, 1951) and in Homans' 1950 volume *The Human Group*. A very extensive bibliography adds greatly to its usefulness.

The second part of the book is a report on a research carried out by the Bureau of Applied Social Research at Columbia University, concerning "the flow of everyday influence in a Midwestern community." The study, based on two sets of interviews with a sample of housewives in the city of Decatur, Illinois, attempted to trace the patterns of interpersonal communication and personal influence in four "arenas" of opinion: marketing, fashions, movies, and public affairs. As regards the first three, the "consumer arenas," the study

shows a considerable influence by other people in the marketing and fashion choices, while the choices of movies are more directly influenced by newspaper reading. (Since the field work was done prior to the large-scale appearance of television, one wonders whether the new medium may have changed the picture somewhat, for instance by reducing the impact of personal influence in the two first arenas.) The authors report both a lower salience and a lower degree of personal influence in the arena of public affairs, compared with the three other arenas studied.

It may well be asked whether these two sets of data are, strictly speaking, comparable. Indeed, the authors themselves suggest that they are two entirely different categories, the consumer problems being arenas of the short-run, "campaign" type of opinion formation, while public-affairs issues are more long-range and in most cases (except that of electoral voting) not directly linked to a social mechanism for making immediate practical choices (such as buying and consuming). The study was not conducted during an election year, and the public-affairs issues included in the questionnaire were all of the type that are matters of "pure" opinion rather than the action-related preference expressed by consumers or voters. If this fundamental difference is taken into account, one may question the authors' conclusion regarding the relative salience of the two sets of issues. Of course the issues of the "consumer arenas" are the most salient; but would it not be more in accordance with current knowledge about the normal salience of public issues (as brought out in Stouffer's *Communism, Conformity and Civil Liberties*) if one were to characterize the salience of public issues in the case of the Decatur sample as rather higher than the normal average? This may be due principally to the fact that the field period of the study fell between VE Day and VJ Day, a fact, incidentally, that also helps to explain the respondents' high interest in the current news as well as their relatively high confidence in presumably well informed individuals who know "what is really going on." Not only was opinion on public affairs at that time unrelated to anything the citizen could *do* (as a voter), but even its relationship to what every citizen could *know* was highly precarious.

A most valuable contribution of the Decatur study should be mentioned in conclusion. It carries into yet another field the research that was successfully started, in studies like *The People's Choice* and *Voting*, in regard to the formation of political opinion. Together with these previous studies, the present one breaks new ground in

communications research, by beginning to uncover the patterns of personal influence and specifically the place of such variables as social class, sex, age, education, kinship relations.

ARVID BRODERSEN

Graduate Faculty of the New School

LÖSCH, AUGUST. *The Economics of Location*. [Translated from the second revised edition, by William H. Woglom, with the assistance of Wolfgang F. Stolper.] New Haven: Yale University Press. 1954. xxviii & 520 pp. \$7.50.

The core of this book, which justly acquired a great reputation before it was translated, is a theory of economic regions, presented in Part II and illustrated in Part IV, B. Part I, "Selected Problems of Location," consists mainly of a critique of Weber's industrial location theory and a restatement of Thünen's theory of agricultural location. Part III, under the heading "Trade," discusses six "cardinal problems" of the division of labor and the disturbances to equilibrium, especially as caused by unilateral transfer. Thus the author deals with a wide range of problems, and in discussing them he invariably displays great theoretical acumen and a wealth of empirical information. The careful reader will find himself richly rewarded for the not inconsiderable trouble caused by the technical difficulties of the presentation, and will easily forgive the author's occasional inclination toward unwarranted *obiter dicta* (such as the statement on page 225 that the shape of utility curves can be reconstructed from indifference curves). Despite a few needed corrections and qualifications, this is an outstanding book.

This review will concentrate on what I have called the core of the book, Lösch's theory of economic regions. I wish to state for the record, however, that I am not convinced by Lösch's criticism of Weber's theory—a criticism that is based on the contention that Weber, in assuming a given demand and price, overlooked the fact that "with every change in price, the market area assumes another form" (p. 27). The demand factor may indeed be disregarded in the choice of the optimal location for the processing plant if the unit costs of processing and transporting are, in the long run, independent of the quantity produced; then minimum costs, including transportation, are independent of demand.

In his theory of economic regions Lösch undertakes to explain why centers of trade and manufacturing activity are regularly scattered over a region, unless they are subject to the pull of specifically located

raw-material resources; in addition he stresses the tendency of smaller centers to group themselves around a larger one—the economic capital of the region. Simplified, Lösch's approach is as follows. Up to a point the firm enjoys economies of scale—its unit costs of production fall in the long run as it produces more. But in selling an increasing output, more distant markets must be tapped. Provided the factory price is the same for all the customers, the delivered price will rise according to the schedule of the transportation costs along the radii emanating from the plant; and if the demand schedule for the given goods is the same at all points of the surrounding area, the quantity sold will decline with rising delivered price, eventually down to zero. Hence any demand beyond this maximum radius must be satisfied from a second center, and so on; and the total consumption plain will be covered by numerous centers. The sales area of a center cannot be circular, however, because adjoining circles would not exhaust the plain; regular hexagons do so, and in comparison with other forms, such as squares, they have the advantage that they minimize the distance from the center to the customer. As to the size of these hexagons, it is clear that they cannot extend to the point of zero sales, because such a size would be unsatisfactory for the customers located at the boundary. The optimum hexagon is that in which the sum of the unit costs of production and transportation at the boundary is less than this sum at the boundary of a larger or smaller hexagon; the more intensive the demand, the smaller the hexagon, because there is an optimum size of the firm beyond which unit costs rise.

This analysis pertains to a single product. Obviously the optimum size of the sales area will differ for different goods, because of the difference of the specific transportation costs. Lösch superimposes the various webs of hexagons in such a way that a main center arises where one center of each commodity production is located; and he rotates the webs in such a way around the main centers that sectors densely occupied by centers alternate with sectors sparsely occupied.

The complications introduced into the simple scheme by an irregular distribution of the demand over the plain, or by irregularities in the transportation costs, are discussed by Lösch but can here be left aside. Nor shall I dwell on the question how the welfare of customers near the center can be compared with the welfare of those residing at a distance. The main criticism must be directed against Lösch's implicit assumption that a location pattern which recommends itself as most rational or beneficial to a central planning authority also describes correctly the actual location tendencies in an unplanned economy.

If the cultivation and settlement of land penetrate step by step into adjoining regions, and foster there a new demand for manufactured goods or the services of trade, banks, and the like, something like Lösch's pattern may indeed materialize—although even then the rise of a main center surrounded by "alternating" sectors can only partly and indirectly be ascribed to the influence of the transportation costs. But the distribution of processing and trading units over a plain in which demand gains intensity with the passing of time obeys a different law. There will be first one producing unit at the center of the plain; but it is easy to see that when the demand expands uniformly and attracts new units (because the optimum size of the firm is reached) a location outside of the center would put a newcomer at a transportation disadvantage for the larger part of the region. To explain a dispersion we must give up the idea that the delivered price is necessarily equal to the factory price plus transportation costs; this would be true only under conditions of perfect competition, and not under the condition of limited monopoly, or of oligopoly, which prevails in the United States.

Oligopolistic competition can take two forms. In the one case the entrepreneur who is attracted by the intensification of demand is of the "static" type, and only emulates the already existing firm; then he will settle at the same location, hoping to divide the area peacefully with the first firm, without a price war. And in the other case the newcomer is of the "dynamic" type, convinced that by aggressive price and sales policy he can increase his share and reduce the share of the first firm; then he will choose, indeed, a location somewhere between the periphery and the center of the region, for he will there have a freight advantage for his "hinterland" and can expect to capture a considerable part of the territory which from a freight viewpoint belongs to the first firm. It is only in the second case that there results a dispersion of units over the plain—and not primarily because of transportation advantages, or necessarily according to the hexagon pattern.

HANS NEISSER

Graduate Faculty of the New School

MANDELBAUM, MAURICE. *The Phenomenology of Moral Experience*. Glencoe, Illinois: Free Press. 1955. 338 pp. \$5.

What goes by the name of phenomenology has aroused among most Anglo-American professional philosophers at best the respectful

interest accorded to exotic philosophies. Thus the appearance of the first systematic treatise by a native American on philosophical ethics entitled "phenomenology" represents an event not incomparable to the appearance in France of the *Phénoménologie de la perception* by Maurice Merleau-Ponty in 1945. The main basis for such a comparison would be, however, the content of the book, the deliberate widening of the scope of ethical discussion, and the freshness of the approach to topics that have grown somewhat stale from the sheer quantity of analytical treatment spent on them. This richness alone forbids an adequate report on the book's contents within the limits of a short review. To indicate at least its main topics: it focuses on the nature of moral judgments and on the problems of moral controversy, but by no means covers all the phenomena of moral experience.

Perhaps the most original feature of the book is the division between "direct" moral judgments, dealing with the judge's own conduct, and "removed" judgments, given by a detached observer, primarily about others' conduct but also about one's own in the past. The two types of judgment refer, however, to one and the same attribute, the moral rightness or wrongness of actions, though the direct ones are applicable only to a restricted group among them. One other group of moral properties appraised in moral judgments are virtues and vices; almost without exception these are given only in removed judgments.

The pivotal phenomenon for the understanding of all moral judgments is that of objective demand. In the case of the direct judgment it is "reflexive" toward the judge; in that of the removed ones it is directed elsewhere. Previously this phenomenon had been stressed chiefly by Wolfgang Köhler, to whom the book is dedicated. The basis for these demands is found in the relation of fittingness, one of the key concepts of the British deontologists like Butler and Ross, with whom Mandelbaum generally sides against the utilitarians. Perhaps the most significant achievement of this part of the book is thus a long-overdue original synthesis of the basic axiological insights of the gestaltists with those of the deontologists on the basis of their common phenomenological approach.

Mandelbaum's second topic should be of particular interest to social scientists who are agitated by the perennial problem of relativism. His unusually patient and unbiased analysis of the nature of moral controversies examines their different sources and the methods and chances of solution applicable to different controversies

so distinguished. Thus various types of talking at cross purposes are identified, and the role of the emotions, overestimated by most relativists, is carefully explored and determined in phenomenological terms. Mandelbaum does not suggest that moral controversies can be resolved without remnant, as the absolutist would have it. Against a merely skeptical conclusion he suggests, however, that there are definite principles whose application can reduce the range of these controversies. Thus a principle of the primacy of facts bids us to concentrate on the clarification of the relevant non-moral factors of the situation; a principle of universality stresses consistency; while a principle of ultimacy indicates the limits of such clarifications by acknowledging judgments genuinely believed to be "incorrigible."

In what sense and to what extent can Mandelbaum's method be claimed as phenomenological? He himself disclaims all association with the "phenomenological school." Yet he mentions prominently among those to whom he feels particularly indebted such declared phenomenologists as Max Scheler and D. von Hildebrand. More important, of course, than the label is the reality behind it. In setting off his phenomenological method against the metaphysical, the psychological, and the sociological approaches, which, he maintains, presuppose it, Mandelbaum distinguishes two forms of it. He rejects the one which not only directly examines man's moral consciousness but also wants to derive valid standards from such an examination. By contrast Mandelbaum advocates a phenomenology which refrains from any separation of valid and invalid judgments, in favor of what he calls a "generic" approach which "educes" the generic characteristics of all moral experience, valid or invalid.

Apparently he is not aware how close this takes him to the "general essences" of the "phenomenologists," and even to the bracketing of existential claims characteristic of Husserl's conception. Besides, the distinction between direct and removed moral judgments refers to different modes of givenness of one and the same entity, one of the major concerns of phenomenology proper. On the other hand, when Mandelbaum wants to make judgments the basis of phenomenology, rather than the data to which they refer, he seems to put a phenomenologically debatable emphasis on secondary rather than on primary phenomena, on which phenomenology, in contrast to logical analysis, wants to focus. In his actual approach, however, it is still the pre-judgmental phenomena, in preference to the propositions about them, which are the centers of descriptive attention. Thus a phenomenology so independent in approach, so clearly

formulated, and so carefully reasoned as Mandelbaum's is perhaps one of the best confirmations of a more committed phenomenological tradition.

HERBERT SPIEGELBERG

Lawrence College

HART, H. L. A., intro. *John Austin's The Province of Jurisprudence Determined and The Uses of the Study of Jurisprudence*. New York: Noonday Press. 1955. xxxi & 396 pp. \$3.50.

For over a century these lectures have ranked among the great works on jurisprudence, although their ostensible doctrine, the imperative theory of law, is now on the decline. The reason Austin upheld it was his belief that "there are absolute legal duties, or legal duties without corresponding rights, that are not a whit less requisite to the advancement of the general good than legal rights themselves with the relative duties which they imply" (p. 298). Only his admiration for benevolent autocrats, such as Trajan and Aurelius, Frederick and Joseph (p. 305), explains his contempt for "the rights of man," his statement that an "unalienable right . . . means nothing" (p. 55)—for, as Bertrand Russell has made clear (*A History of Western Philosophy*, 1945, p. 629), the doctrine of the rights of man cannot be condemned *ab initio* as contrary to utilitarianism. Austin himself found natural law "not intrinsically absurd" and "liable to little objection" precisely because "some of the dictates of utility are always and everywhere the same" (p. 178). But, though he clearly saw that law and duty "connote" each other, he failed to add right. Had he included it, the whole analytical situation would be cleared up by his statement that "each of the three terms *signifies* the same notion; but each *denotes* a different part of that notion, and *connotes* the residue" (p. 18). As he meant it, this statement was limited to the terms command, duty, and sanction. Thus the imperative theory came to speak of duty as a "necessary" legal notion, but of right as a merely "contingent" one.

Thereby law was unwittingly "moralized," even while duty was "de-moralized." Austin confounded the prototype with an elliptical derivative, duty with obligation, when he riveted duty on command and sanction. Under the spell of this command theory he found that moral duties "are styled *duties* by an analogical extension of the term" (p. 158). Positive law and morality became almost inseparable when Austin placed "autonomic laws"—that is, "every law which is not made by its author in pursuance of a legal duty"—into the class "compounded

of a positive law and a rule of positive morality." Such was the law made by the sovereign, "independence of legal duty being the essence of sovereignty" (p. 138). And all law was set, directly or circuitously, by the sovereign.

Austin thus pushed his arguments, with relentless logic, to a point where his own position was nearly reduced to absurdity and the alternative sketched. He admitted that sovereignty is a "fallible test" (p. 202), thereby conceding the difficulty of "locating" the sovereign. He frankly admitted that he could not define law without descending from the generalities to the details of jurisprudence (p. 355), thus conceding the logical objection of *idem per idem* and casting doubt on "necessary" legal conceptions.

As to sanctions, he was content with "the smallest chance of incurring the smallest evil" (p. 16). He sketched a broader, institutional type of law when he spoke of "a society in which legal sanctions would lie dormant" but in which "the necessity of a common governing (or common guiding) head to whom the community may in concert defer" would obtain (p. 300).

He provided for a fundamental "basic norm" when he spoke of the positive morality "which determines the character of the person . . . in whom . . . the sovereignty shall reside" (p. 259). For cases in which the king violated the constitution Austin spoke of a "cogent sanction" that was "not predetermined and certain" (p. 267), thus suggesting the idea that somewhere within the common confines of law, custom, and revolution there was still some sanctioned rule arising from brute facts. This came to be called by Julius Moór, an ingenious interpreter of Austin, the "direct legal rule" (with obvious reference to "direct action").

In his lucidly written introduction to this volume, H. L. A. Hart, Professor of Jurisprudence at Oxford, doubts whether law can be defined by structure alone, and therefore, while he gives up the idea that each legal rule must have a sanction annexed to it, he would retain the broader idea that law is capable of operating *in invitum*, and that it satisfies certain human needs, at least as long as human nature remains the same. This turn from form to substance is certainly in line with the "felt necessities of the time," as exemplified by Russell's revision of the utilitarian criticism of human rights, and also by Radbruch's *ultima verba*. It is in line, too, with a better understanding of the correlativity of law and right.

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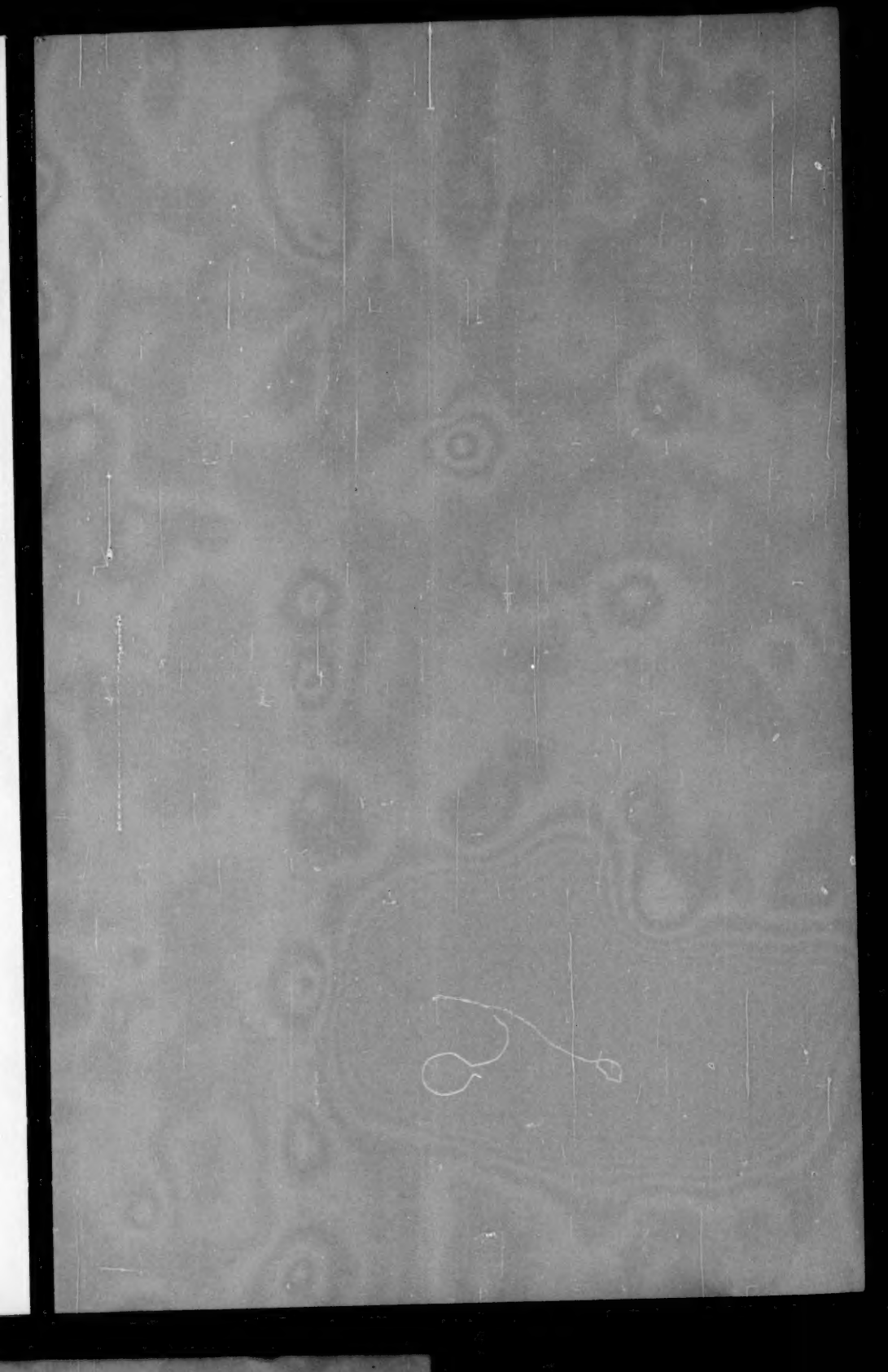
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